



1994

Illinois Register

Rules of Governmental Agencies

Volume 18, Issue 5 — February 4, 1994

Pages 1664-2177

AT Chicago Kent

FEB 09 1994

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Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
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Printed on recycled paper

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

PROPOSED RULES

COMPTROLLER, OFFICE OF THE

Transfers Between Accounts Within a Fund Held by the State Treasurer;

74 Ill. Adm. Code 275 1664

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Affordable Housing Program; 47 Ill. Adm. Code 360 1669

LABOR, DEPARTMENT OF

Health & Safety; 56 Ill. Adm. Code 350 1672

PUBLIC AID, DEPARTMENT OF

Hospital Reimbursement Changes; 89 Ill. Adm. Code 152 1677

Long Term Care Reimbursement Changes; 89 Ill. Adm. Code 153 1686

PUBLIC HEALTH, DEPARTMENT OF

Communicable Disease Control & Immunizations; 77 Ill. Adm. Code 690 1690

RACING BOARD, ILLINOIS

Pick (N) Pools; 11 Ill. Adm. Code 308 1773

Superfecta; 11 Ill. Adm. Code 311 1780

REHABILITATION SERVICES, DEPARTMENT OF

Public Use of DORS Facilities; 89 Ill. Adm. Code 546 1784

REVENUE, DEPARTMENT OF

Real Estate Transfer Tax; 86 Ill. Adm. Code 120 1789

SECRETARY OF STATE

Business Corporation Act; 14 Ill. Adm. Code 150 1793

Cancellation, Revocation or Suspension of Licenses or Permits;

92 Ill. Adm. Code 1040 1797

STUDENT ASSISTANCE COMMISSION, ILLINOIS

State Scholar Program; 23 Ill. Adm. Code 2760 1803

TRANSPORTATION, DEPARTMENT OF

Floodway Construction in Northeastern Ill.; 92 Ill. Adm. Code 708 1811

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF

Animal Diagnostic Laboratory Act; 8 Ill. Adm. Code 110	1825
Bovine Brucellosis; 8 Ill. Adm. Code 75	1833
Definitions; 8 Ill. Adm. Code 20	1844
Diseased Animals; 8 Ill. Adm. Code 85	1850
Equine Infectious Anemia Control; 8 Ill. Adm. Code 116	1861
Feeder Swine Dealer Licensing; 68 Ill. Adm. Code 590	1865
Livestock Auction Markets; 8 Ill. Adm. Code 40	1869
Livestock Dealer Licensing; 68 Ill. Adm. Code 610	1875
Swine Disease Control & Eradication Act; 8 Ill. Adm. Code 105	1880

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Acquisition, Management & Disposal of Real Property; 44 Ill. Adm. Code 5000	1886
Merit & Fitness; 80 Ill. Adm. Code 302	1892

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

State Universities Civil Service System; 80 Ill. Adm. Code 250	1901
--	------

COMMERCE COMMISSION, ILLINOIS

Accounting & Financial Record Requirements; 92 Ill. Adm. Code 1376	1914
Imputation; 83 Ill. Adm. Code 792	1919
Reinstatement of Revoked Operating Authority; 92 Ill. Adm. Code 1236	1924
Uniform System of Accounts; 92 Ill. Adm. Code 1375, Repeal of	1927

EDUCATION, STATE BOARD OF

Special Education; 23 Ill. Adm. Code 226	1930
--	------

HOUSING DEVELOPMENT AUTHORITY

Multifamily Rental Housing Mortgage Loan Program; 47 Ill. Adm. Code 310	1939
---	------

POLLUTION CONTROL BOARD

Organic Material Emission Standards & Limitations for the Chicago Area; 35 Ill. Adm. Code 218	1945
--	------

PUBLIC AID, DEPARTMENT OF

Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	2018
Assistance Standards; 89 Ill. Adm. Code 111	2029
Food Stamps; 89 Ill. Adm. Code 121	2033
Medical Assistance Programs; 89 Ill. Adm. Code 120	2051

RACING BOARD, ILLINOIS

Claiming Races; 11 Ill. Adm. Code 510	2064
Definitions; 11 Ill. Adm. Code 210	2072
Definitions; 11 Ill. Adm. Code 401, Repeal of	2087
Definitions; 11 Ill. Adm. Code 1304, Repeal of	2088
Definitions & Interpretations; 11 Ill. Adm. Code 501, Repeal of	2089
Definitions & Interpretations; 11 Ill. Adm. Code 1401, Repeal of	2090
Jockeys, Apprentice Jockeys, Agents & Valets; 11 Ill. Adm. Code 1411	2092
Medication; 11 Ill. Adm. Code 509	2095
Quarter Horse Racing; 11 Ill. Adm. Code 1440	2098

ADOPTED RULES (CONT'D)

SECRETARY OF STATE

Uniform Commercial Code; 14 Ill. Adm. Code 180 2101

UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF

Program Content & Guidelines for Division of Specialized Care for Children;
89 Ill. Adm. Code 1200 2104

EMERGENCY RULES

COMPTROLLER, OFFICE OF THE

Transfers Between Accounts Within a Fund Held by the State Treasurer;
74 Ill. Adm. Code 275 2119

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Affordable Housing Program; 47 Ill. Adm. Code 360 2124

PUBLIC AID, DEPARTMENT OF

Hospital Reimbursement Changes; 89 Ill. Adm. Code 152 2150
Long Term Care Reimbursement Changes; 89 Ill. Adm. Code 153 2159

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF

Meat & Poultry Inspection Act; 8 Ill. Adm. Code 125 2164

NOTICE OF PUBLIC HEARINGS

PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD

Structural Pest Control Code; 77 Ill. Adm. Code 830 2174

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received 2175

CUMULATIVE INDEX

1994 Index - Issue #5 CI-1
(Contains Information Through Issue #4, Dated January 28, 1994)

SECTIONS AFFECTED INDEX

1994 Index - Issue #5 SAI-1
(Contains Information Through Issue #4, Dated January 28, 1994)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULE

NOTICE OF MOVE OF OFFICES

Please note that, effective January 25, 1994, the Administrative Code Division of the Secretary of State's Index Department has moved to the Index Department Building at 111 East Monroe Street, Springfield, Illinois, 62756.

- 1) Heading of the Part: Transfers Between Accounts Within a Fund Held by the State Treasurer
- 2) Code Citation: 74 Ill. Adm. Code 275
- 3) Section Number: Proposed Action:
275.10 New Section
- 4) Statutory Authority: Authorized by Section 9.01 of the State Comptroller Act (15 ILCS 405).
- 5) A Complete Description of the Subjects and Issues Involved:

These rules allow the Comptroller to transfer money from one account within a fund held by the State Treasurer to another account within a fund held by the State Treasurer without the issuance of a warrant. The rules describe when the Comptroller may transfer money, provide for the Treasurer's approval of such transfer, describe the necessary reporting of the transfers by the Comptroller to the Treasurer and the other affected State agencies, prescribe the requisite documentation of the transfer and provide for consolidation accounts within the Comptroller's Office.

Transfers will be used initially for State income tax withheld from State employees and then later for other transfers between accounts within a fund held by the State Treasurer. The State Treasurer will be consulted before any additional applications are initiated.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State Mandate.

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULE

- 11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Kim L. Kirn
Assistant Legal Counsel
Room 201 State Capitol Building
Springfield, Illinois 62706
(217) 782-6000

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 19, 1994.
- B) Types of small businesses affected: This change in the Office of Comptroller rules set forth in this Part will not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
- D) Types of professional skills necessary for compliance: No professional skills are required of small businesses pursuant to this part.

The full text of the Proposed Rule begins on the next page:

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER 2: COMPTROLLER

PART 275

TRANSFERS BETWEEN ACCOUNTS WITHIN A FUND HELD BY THE STATE
TREASURER

Section 275.10 Transfers Between Accounts within a fund held by the State Treasurer

AUTHORITY: Implementing Section 9.01 of the State Comptroller Act as authorized by 15 ILCS 405.

SOURCE: Emergency rules adopted at Ill. Reg. effective January 19, 1994 for a maximum of 150 days; adopted at Ill. Reg. effective .

Section 275.10 Transfers Between Accounts within a fund held by the State Treasurer

- a) For purposes of this Part, the term "transfer" is defined to be a financial transaction that results in the recording of a payment from an expenditure account and a deposit to a receipt account without the use of a warrant. "Transfers" under this Part shall not include statutorily mandated transfers between accounts within the State Treasury which are not revenues or expenditures to the receiving or disbursing accounts. The term "fund" is defined as a self balancing group of accounts against which all financial activity of the State is reported. One or more accounts may exist within a fund.

- b) The Comptroller may transfer money between accounts within a fund held by the State Treasurer or may transfer money from one account in a fund held by the State Treasurer to another account in a different fund held by the State Treasurer without issuance of a warrant, if:

- 1) the Comptroller has received a properly completed voucher requesting payment from an account within a fund held by the State Treasurer;
- 2) an available balance exists in the fund from which the money is to be transferred;
- 3) for appropriated accounts, an unexpended balance exists in the appropriation account;

OFFICE OF THE COMPTROLLERNOTICE OF PROPOSED RULES

- 4) the transfer involves one or more State agencies exclusively;
 - 5) the Treasurer approves the transfer; and
 - 6) the transfer is otherwise pursuant to law and authorized.
- c) In determining when to use a new application of the transfer authority the Comptroller shall consider the following criteria:
- 1) federal statute or regulation, and state statute or regulation requiring or encouraging the use of transfers;
 - 2) the amounts of the transfers;
 - 3) the frequency of the transfers;
 - 4) the ability of the one or more State agencies administering the account to which the money is credited, to properly account for the transfer;
 - 5) the fiscal savings to the State resulting from the transfer;
 - 6) the added efficiency and security to the State's fiscal operations resulting from the transfer; and
 - 7) reduction in paperwork and processing time.
- d) Before beginning any new application of the transfer authority, the Comptroller will notify and consult with the one or more State agencies administering the account to which the money is credited and the Treasurer at least 30 days before initiating the new application.
- e) The Treasurer's approval of the transfers within the State Treasury shall be deemed to be given when the Treasurer accepts and records the account activity provided by the Comptroller resulting from the transfers.

OFFICE OF THE COMPTROLLERNOTICE OF PROPOSED RULES

- The Comptroller and Treasurer shall coordinate efforts to reconcile any discrepancies made in the transfer process to mutually resolve the validity of the transfer.
- f) The Comptroller shall provide information on the transfers on a timely basis to the State Treasurer, the one or more State agencies administering the account to which the money is credited and other State agencies, as requested. Such information may include the amount of the transfer, the date of the transfer, the voucher number requesting the transfer, the appropriation account code, the receipt account code and other relevant information relating to the transfer, as requested.
 - g) The Comptroller shall not include transfers made pursuant to this Part in the monthly report prepared by the Comptroller and sent to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives of all transfers made between funds in the State Treasury during the month in accordance with Section 5f of the State Finance Act, entitled Transfers-Reports. See 30 ILCS 105/5f.
 - h) The Comptroller shall retain documentation of approval of all transfers by the Comptroller and Treasurer by fulfilling its record-keeping duties under the State Comptroller Act, the State Records Act and other statutes.
 - i) As an internal administrative step, the Comptroller may consolidate transfers or warrants into one transfer or one warrant by use of a separate fund established solely for the purpose of consolidation. Such internal transfers may be accomplished without a written voucher.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Affordable Housing Program

2) Code Citation: 47 Ill. Adm. Code 360

3) Section Numbers: Proposed Action:

360.101	Amendment
360.103	Amendment
360.104	Amendment
360.106	Amendment
360.109	Amendment
360.114	Amendment
360.201	Amendment
360.202	Amendment
360.203	Amendment
360.204	Amendment
360.301	New Section
360.303	Amendment
360.304	Amendment
360.305	Amendment
360.309	Amendment
360.310	Amendment
360.401	Amendment
360.501	Repealed
360.502	Amendment
360.503	Amendment
360.505	Amendment
360.506	Amendment
360.507	Amendment
360.601	Amendment
360.602	Amendment
360.603	Amendment
360.801	Amendment
360.802	Amendment
360.803	Amendment
360.804	Amendment
360.901	Amendment
360.902	Amendment
360.903	Amendment
360.904	Amendment
360.905	Amendment
360.1101	Amendment
360.1102	Amendment

4) Statutory Authority: Sections 65/4 and 65/7(e) of the Illinois Affordable Housing Act (310 ILCS 65/4 and 310 ILCS 65/7) and Sections 3805/7.19 and 3805/7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.19 and 20 ILCS 3805/7.25)

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments amend the procedures for the operation of the Illinois Affordable Housing Program. The Illinois Affordable Housing Program was created to provide for the making of loans and grants to acquire, construct, rehabilitate, develop, operate, insure and retain affordable single-family and multi-family housing for low-income and very low-income households.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments will enable the Illinois Affordable Housing Program to create and retain affordable housing for low-income and very low-income households.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Diane K. Corbett, Esq., 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication on this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 11, 1994.

B) Types of small businesses affected: The proposed amendment will have a favorable impact on small to midsize real estate developers and contractors.

C) Reporting, bookkeeping or other procedures required for compliance: No new requirements.

D) Types of professional skills necessary for compliance: No new professional skills needed.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY
NOTICE OF PROPOSED AMENDMENTS

The full text of these Proposed Amendments are identical to that of the Emergency Amendments beginning on page of this issue.

DEPARTMENT OF LABOR
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers:
350.280
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act herein named" (Ill. Rev. Stat. 1901, ch. 48, par. 59.0 et seq.) [820 ILCS 222/02] and the "Health and Safety Act" (Ill. Rev. Stat. 1991, ch. 48, pa. 137.1 et seq.) [820 ILCS 225/1]
- 5) A Complete Description of the Subjects and Issues Involved:
Section 4 of the Health and Safety Act states that all federal occupational safety and health standards promulgated, modified, or revoked by the Secretary of Labor shall be made rules of the Director. This rulemaking adopts the federal occupational safety and health rules as effective on July 1, 1993. The updated standards are published in 29CFR 1910, 1915, and 1926.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporation by reference? Yes.
This rule incorporates the standards located in 29 CFR 1910, 1915, and 1926 effective on July 1, 1993, and does not include any later amendments or editions.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:
The Health and Safety Act requires the Department to adopt updated Occupational Safety and Health Administration standards as often as necessary to remain current with the federal regulations. Adoption of these standards ensure that public sector workers are provided with the same level of health and safety protection that is afforded to private sector workers within the State.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

- 11) Time place and manner in which interested persons may comment on this Proposed rulemaking: Written comments may be submitted to the following:

Lenore Killam
Safety Inspection and Education Division
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL 62701
217/782-9386

Public hearings are scheduled as follows:

10:00 A.M., Wednesday, March 2, 1994
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL

1:00 P.M., Thursday, March 3, 1994
Illinois Department of Labor
State of Illinois Building
160 N. LaSalle St., Suite C-1300
Chicago, IL

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable.

B) Types of small businesses or municipalities affected:

Due to the effect of preemption of Department rules by the federal Occupational Safety and Health Administration, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower worker's compensation costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

- C) Reporting, bookkeeping, or other procedures required for compliance:

The new standards require written compliance programs. These standards do not require the use of any new standardized forms.

Specific examples of information required by the written programs include monitoring data, entry permits, documentation of employee training, standard safe operating procedures, employee exposure records, and maintenance of employee medical records. Guidance for the proper maintenance of the documentation is provided free of charge by the Department.

- D) Types of professional skills necessary for compliance:

General administrative skills are sufficient for compliance with the proposed amendments.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER B: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section:
350.10 Purpose and Scope
350.20 Definitions
350.30 Posting of Notice
350.40 Availability of Rules and Standards
350.50 Inspection Authority
350.60 Advance Notice of Inspection
350.70 Conduct of Inspections
350.80 Closing Conferences
350.90 Representatives of employers and employees
350.100 Objections During Inspection
350.110 Trade Secrets or Confidential Information
350.120 Consultation with Employees
350.130 Complaints by Employees
350.140 Imminent Danger
350.150 Citations
350.160 Posting of Citations
350.170 Appeal of Citation
350.180 Appeal of Abatement Period
350.190 Petition for Variance from Standards
350.195 Hearings
350.200 Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

350.210 Emergency Notification
350.220 Recordable Injuries and Illnesses
350.230 Log of Injuries and Illnesses
350.240 Supplementary Record of Injuries and Illnesses
350.250 Annual Summary
350.260 Retention of Records
350.270 Access to Records

SUBPART C: STANDARDS

350.280 Adoption of Federal Standards

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named" (Ill. Rev. Stat. 1991 ch. 48, par. 59.0 et seq.) [820 ILCS 220/02] and the "Health and Safety Act" (Ill. Rev. Stat. 1991 ch. 48, par. 137.1 et seq.) [820 ILCS 225/1].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8519, effective May 26, 1992; amended at 18 Ill. Reg. _____, effective _____.

SUBPART C: STANDARDS

Section 350.280 Adoption of Federal Standards

- a) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective on July 1, 1991 and amended at ~~FR56-37650, FR56-41793 and FR56-43600~~ 1993. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.
- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40) [5 ILCS 100/1-1].

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

1) Heading of the Part: Hospital Reimbursement Changes2) Code Citation: 89 Ill. Adm. Code 1523) Section Numbers:

152.100, 152.150,
152.200, 152.250

Proposed Action:

New Section
New Section

4) Statutory Authority: Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6 and 12-13] and Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3]

5) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is proposing rules to maintain the reimbursement rates for hospital services at the rates in effect on January 18, 1994. These rules are being proposed as Part 152. In separate rulemaking, these changes are also being adopted on an emergency basis effective January 18, 1994. The rules will expire June 30, 1995.

Section 152.100 provides for the application of an adjustment factor to add-on payments to hospitals in order to maintain the rates at current levels. Specifically, this adjustment will be applied to the following payments:

- Uncompensated care payments under 89 Ill. Adm. Code 148.150(h).
- Trauma center payments under 89 Ill. Adm. Code 148.290(c).
- Rehabilitation hospital payments under 89 Ill. Adm. Code 148.290(d).
- Perinatal center payments under 89 Ill. Adm. Code 148.290(e).
- Obstetrical care payments under 89 Ill. Adm. Code 148.290(f).
- Targeted access payments under 89 Ill. Adm. Code 148.290(g). These payments will also be subject to an inflation-related adjustment.
- Medicaid high volume payments under 89 Ill. Adm. Code 148.290(h)(2)(D).

Sections 152.150 and 152.200 make a number of changes in the reimbursement methodologies for hospitals which are reimbursed under the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) and for hospitals which are reimbursed under non-DRG methodologies. These changes include an adjustment to DRG relative weighting factors.

Section 152.250 provides an appeal mechanism for any hospital that believes that it may face significant financial hardships by continuing to provide services under these rate changes. These provisions outline the information that must be provided by the hospital to initiate an appeal

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

and the basis on which the Department will determine whether additional reimbursement should be provided.

6) Will these proposed rules replace emergency rules currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes
The proposed rules will expire on June 30, 1995.

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
January 18, 1994

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

- B) Types of small businesses affected: Hospitals, other medical providers
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section

- 152.100 Reimbursement Add-on Adjustments
152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PFS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6, 7 and 12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3].

SOURCE: Emergency rules adopted at 18 Ill. Reg. _____, effective January 18, 1994, for maximum of 150 days; Rules adopted at 18 Ill. Reg. _____, effective _____.

Section 152.100 Reimbursement Add-on Adjustments

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.
- b) Outpatient indigent volume adjustments, as described in 89 Ill. Adm. Code 148.140(b)(5)(A) and (b)(5)(B), as calculated for rate year 1994, shall remain in effect through fiscal year 1995. Hospitals not qualifying in rate year 1994 (October 1, 1993, through September 30, 1994) must submit the data described in 89 Ill. Adm. Code 148.150 in order to qualify in rate year 1995 (October 1, 1994, through September 30, 1995).
- c) Uncompensated care payment adjustments, as described in 89 Ill. Adm. Code 148.150(h), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.150(h) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.150(g) and (h) during the period of July 1, 1993, through June 30, 1994.
- d) Trauma center adjustments, as described in 89 Ill. Adm. Code

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

Section 152.100(d) (continued)

148.290(c)(1), (c)(2), and (c)(3), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1993, through June 30, 1994.

e) Rehabilitation hospital adjustments, as described in 89 Ill. Adm. Code 148.290(d)(1), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1993, through June 30, 1994.

f) Perinatal center adjustments, as described in 89 Ill. Adm. Code 148.290(e)(1), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(e) during the period of July 1, 1994, through June 30, 1995 to the payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1993, through June 30, 1994.

g) Obstetrical care adjustments, as described in 89 Ill. Adm. Code 148.290(f)(1), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1994, through June 30, 1995 to the payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1993, through June 30, 1994.

h) Targeted access payment adjustments, as described in 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1993, through June 30, 1994.

i) Targeted access payment adjustments, as calculated under subsection (h) above, shall be further adjusted by a factor which will inversely adjust targeted access spending in an amount equal to the updates calculated under 89 Ill. Adm. Code 148.120(g)(2)(D) and 148.290(h)(2)(C).

j) Medicaid high volume adjustments, as described in 89 Ill. Adm. Code 148.290(h)(2)(D), shall be adjusted by a factor that will equalize

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

Section 152.100(j) (continued)

aggregate payments made under 89 Ill. Adm. Code 148.290(h)(2)(D) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(h)(2)(D) during the period of July 1, 1993, through June 30, 1994.

k) This Section shall be automatically repealed effective June 30, 1995.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes in rule described in this Section will be effective January 18, 1994.

b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

d) This Section shall be automatically repealed effective June 30, 1995.

Section 152.200 Non DRG Reimbursement Methodologies

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.160 and 148.170, in effect on January 18, 1994, shall remain in effect until June 30, 1995.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

Section 152.200 (continued)

- c) This Section shall be automatically repealed effective June 30, 1995.

Section 152.250 Appeals

- a) Right to appeal. Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department within 30 days of the date of the letter notifying the hospital of its prospective rate. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.
- b) Non-appealable issue. The October 1, 1993, rates and reimbursement systems used to calculate the rates are not appealable.
- c) Appeal documentation.

- 1) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written declaration, and under penalties of perjury, that the signing officer has personally examined the documentation and that the information is true, correct, and complete.

- 2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.

- 3) The hospital must submit a copy of its last two financial statements audited by an external, independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external, independent certified public account is also required.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

Section 152.250 (continued)

- d) Appeal Process. In no event shall financial relief be awarded, unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must show that:
- 1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.
 - 2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospitals. Reasonable access exists if most individuals served by the hospital seeking financial relief can receive inpatient hospital care within a 30 minute travel time at a total cost which is less to the Department than the costs which would be incurred at the hospital seeking financial relief.
 - 3) The ratio of current assets to current liabilities reflected on the cash position statement described in subsection (c)(2) above is less than 1.0.
 - 4) The financial statements described in subsection (c)(3) above must reflect a net loss in each of the two years.
 - 5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than 1.3.
 - e) Financial relief. If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.
 - f) Definitions. For purposes of this Section, unless the context requires otherwise:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

Section 152.250(f) (continued)

1) "Current assets" must follow Generally Accepted Accounting Principles, except for this purpose all unrestricted investments must be included as current assets.

2) "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.

3) "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.

4) "Ratio of current assets to current liabilities" means current assets divided by current liabilities, as defined above.

5) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis.

g) This Section shall be automatically repealed effective June 30, 1995.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: Proposed Action:

153.100 New Section

4) Statutory Authority: Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6 and 12-13] and Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3]

5) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is proposing rules to maintain the reimbursement rate for long term care services at the rate in effect on January 18, 1994. These rules are being proposed as Part 153. In separate rulemaking, these changes are also being adopted on an emergency basis effective January 18, 1994. The rules will expire June 30, 1995.

Section 153.100 provides that reimbursement rates for long term care services, including rates for nursing facilities, facilities for persons with developmental disabilities, and day training providers, will remain at the levels in effect on January 18, 1994. Exceptions are detailed in the rules. These exceptions include the following provisions:

- In cases where the exit interview for an Inspection of Care (IOC) survey was conducted prior to January 18, 1994, the results of the survey will be processed and used to adjust the facility rate effective with the facility's annual nursing rate adjustment date.
- Capital and support rates may be adjusted based on final audits of cost report data.
- Capital rates will be increased for major capital improvements.
- The rate for new facilities which is set at the median rate will be adjusted based on their first cost report and first inspection of care (IOC) survey.

The rules also provide that an interim Inspection of Care (IOC) survey will be conducted and rates adjusted in accordance with that survey in the following circumstances:

- When the request for the interim IOC was received prior to January

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

18, 1994, and meets the criteria in the current rules.

- When the facility has changed ownership no earlier than 90 days prior to and not later than January 18, 1994, and requests an interim IOC. The interim IOC request must include justification and documentation which meets the criteria in the current rules.
- When the facility requests an interim IOC and documents that there has been a change in the Medicaid census since the last IOC survey which meets the criteria in the current rules.
- When the Department determines that special rate determinations are needed as a result of Medicaid residents being transferred from a state operated developmentally disabled facility.
- When the Department determines that an interim IOC survey is necessary based upon a significant reduction in the level of resident care or in order to protect the health and safety of residents.

6) Will these proposed rules replace emergency rules currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes

The proposed rules will expire on June 30, 1995.

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

not for profit corporations as part of any written comments they submit to the Department.

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
January 18, 1994

B) Types of small businesses affected: Nursing homes, facilities for persons with developmental disabilities, day training providers, other medical providers

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
 LONG TERM CARE REIMBURSEMENT CHANGES

Section
 153.100 Reimbursement for Long Term Care Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6 and 12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3].

SOURCE: Emergency rules adopted at 18 Ill. Reg. _____, effective January 18, 1994, for maximum of 150 days; Rules adopted at 18 Ill. Reg. _____, effective _____.

Section 153.100 Reimbursement for Long Term Care Services

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED RULES

Section 153.100(e) (continued)

receipt of their first cost report and first IOC survey.

- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days of the last IOC need not be met. The written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a state operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.
- l) This Section shall be automatically repealed effective June 30, 1995.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part:

Communicable Disease Control and Immunizations

2) Code Citation:

77 Ill. Adm. Code 690

3) Section Numbers:

690.100
690.110
690.200
690.300
690.310
690.320
690.325
690.330
690.350
690.360
690.365
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690.640

Proposed Action

Amendment
New Section
Amendment
Amendment
Amendment
Amendment
New Section
Amendment
Amendment
Amendment
New Section
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
New Section
Amendment
Amendment
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

690.650 Amendment
690.660 Amendment
690.670 Amendment
690.695 Amendment
690.710 Amendment
690.725 New Section
690.730 Amendment
690.900 Amendment
690.1000 Amendment
690.1010 Amendment
690.1200 Amendment
690.1210 Amendment
Exhibit A Repealer
Repealer

4) Statutory Authority:

The Infant Eye Disease Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4701 et seq.) [410 ILCS 215]

The Communicable Disease Report Act (Ill. Rev. Stat. 1991, ch. 126, par. 21) [745 ILCS 45]

The Department of Public Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 21 et seq.) [20 ILCS 2305]

5) A Complete Description of the Subject and Issues Involved:

The "Control of Communicable Diseases Code" specifies which communicable diseases are required to be reported by health care providers and others, and describes control measures for each of those diseases. This rulemaking (1) amends control requirements for 33 communicable diseases, (2) adds blastomycosis, cryptosporidiosis, listeriosis, and tularemia to the list of diseases required to be reported, (3) identifies organisms isolated from patients for eight diseases that laboratories are required to forward to the Illinois Department of Public Health laboratory for specialized typing, (4) reduces employment restrictions for health care providers who are cases or contacts to several diseases and who use universal precautions while administering patient care, and (5) requires pregnant women to be tested for hepatitis B in order to allow for protection of newborn infants whose mothers are hepatitis B carriers.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X

7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes ___ No X

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

8) Does this Rulemaking Contain any Incorporations by Reference?

Yes ☒ No ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

10) Statement of Statewide Policy Objectives:

The Department's interest in communicable diseases is to prevent and control the transmission of communicable disease.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Clinical laboratories, physicians and day care centers (which are currently required to report cases of reportable communicable diseases) will be required to report cases and suspected cases of the additional four communicable disease to the local health authority. Laboratories are required to send organisms, from an anticipated small number of patients, to the Illinois Department of Public Health laboratory.

Nursing homes, physicians and other health care providers that are considered small businesses will be subject to lower employment restrictions. This rule change reduces employment restrictions for health care workers who use universal precautions when they are either caring or contacts to cases of certain communicable diseases.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Cases of four additional communicable diseases will be required to be reported by this rulemaking. Existing rules require reporting of more than 50 additional communicable diseases. This rulemaking is anticipated to make a small increase in the number of cases required to be reported.

D) Types of Professional Skills Necessary for Compliance:

Clerical skills are necessary to comply with reporting requirements in these regulations.

The full text of the Proposed Amendments begins on the next page:

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690

CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section

690.100 Diseases and Conditions

690.110 Diseases Repealed From This Part

SUBPART B: REPORTING

Section

690.200 Reporting

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

Section

690.290 Acquired Immunodeficiency Syndrome (AIDS) (Reportable by Mail or By Telephone) (Repealed)

690.300 Amebiasis (Reportable by mail or telephone as soon as possible, within 7 days)

690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days)

690.320 Anthrax (Reportable by telephone as soon as possible, within 24 hours)

690.325 Blastomycosis (Reportable by mail or telephone as soon as possible, within 7 days)

690.330 Brucellosis (Reportable by mail or telephone as soon as possible, within 7 days)

690.340 Chancroid (Repealed)

690.350 Chickenpox (Reportable by mail or telephone as soon as possible, within 7 days)

690.360 Cholera (Reportable by telephone as soon as possible, within 24 hours)

690.365 Cryptosporidiosis (Reportable by mail or telephone as soon as possible, within 7 days)

690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)

690.380 Diphtheria (Reportable by telephone as soon as possible)

690.390 Encephalitis (Reportable by mail or telephone as soon as possible, within 7 days)

690.400 Enteropathogenic E. coli Infections Due to Serotype O157:H7, Including Complications Such As Hemolytic Uremic Syndrome (Under 3-years-of-age) (Reportable by mail or telephone as soon as possible, within 7 days)

690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)

690.420 Giardiasis (Reportable by mail or telephone as soon as possible, within 7 days)

690.430 Gonorrhea (Repealed)

690.440 Granuloma Inguinale (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

690.450 Hepatitis, Viral (Hepatitis A, Hepatitis B (Cases and Carriers), non-A/non-B hepatitis, Hepatitis Unspecified (Reportable by mail or telephone as soon as possible, within 7 days))

690.460 Histoplasmosis (Reportable by mail or telephone as soon as possible, within 7 days)
690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days)
690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail or telephone as soon as possible, within 7 days)690.480 Leprosy (Hansen's Disease) (Infectious infectious and non/infectious cases of ~~leprosy~~ are reportable) (Reportable by mail or telephone as soon as possible, within 7 days)

690.490 Leptospirosis (Reportable by mail or telephone as soon as possible, within 7 days)

690.495 Listeriosis (Reportable by mail or telephone as soon as possible, within 7 days)

690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)

690.505 Lyme Disease (Reportable by mail or telephone as soon as possible, within 7 days)

690.510 Malaria (Reportable by mail or telephone as soon as possible, within 7 days)

690.520 Measles

690.530 Meningitis and Other Invasive Disease Due to Neisseria meningitidis or Haemophilus influenzae (Reportable by telephone as soon as possible, within 24 hours). Meningitis Due to Other Bacteria, Fungi and Protozoa, and Aseptic Meningitis (Reportable by mail or telephone as soon as possible, within 7 days)

690.540 Meningococcemia (Reportable by telephone as soon as possible) (Repealed)

690.550 Mumps

690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days)

690.570 Plague (Reportable by telephone as soon as possible, within 24 hours)

690.580 Poliomyelitis (reportable by telephone as soon as possible)

690.590 Psittacosis (Ornithosis) (Reportable by mail or telephone as soon as possible, within 7 days)

690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)

690.610 Rocky Mountain Spotted Fever (Reportable by mail or telephone as soon as possible, within 7 days)

690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome)

690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail or telephone as soon as possible, within 7 days)

690.640 Shigellosis (Reportable by mail or telephone as soon as possible, within 7 days)

690.650 Smallpox (Reportable by telephone as soon as possible, within 24 hours)

690.660 Staphylococcal Infections Occurring Within A Health-Care Institution, or with Onset Less than Thirty-Days Following Discharge In Infants Under 28 Days of Age) (Within a Health Care Institution or With Onset After Discharge) (Reportable by mail or telephone as soon as possible, within 7 days)

690.670 Streptococcal Infections (Including Complications) (due to Group A streptococci, including pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever and invasive disease) (Reportable by mail or telephone as soon as possible, within 7 days)

690.680 Syphilis (Repealed)

690.690 Tetanus

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 21 et seq.) [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985 amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section 690.100 Diseases and Conditions

The following are declared to be contagious, infectious, communicable and dangerous to the public health and each suspected or diagnosed case shall be reported to the local health authority which shall subsequently report each case to the Illinois Department of Public Health. This listing includes those diseases and conditions reportable because of classification as communicable or sexually transmitted. Communicable diseases and conditions are reportable under this Part (77 Ill. Adm. Code 690) and Sexually Transmissible Diseases sexually transmissible diseases and conditions are reportable under Part 693 the "Control of Sexually Transmissible Diseases Code". (77 Ill. Adm. Code 693). (See Subpart B, Section 690.200)

a) Class I

The following diseases are reportable by telephone as soon as possible and within 24 hours of notification. The following diseases shall be reported as soon as possible, but within 24 hours, to the local health authorities, which shall then report to the Department as soon as possible, but within 24 hours. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable. This interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities who are required to report to the Department.

1)	Anthrax	690.320
2)	Cholera	690.360
3)	Diarrhea of the newborn*	690.370
4)	Diphtheria	690.380
5)	Foodborne or waterborne illness	690.410

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

690.695 Toxic Shock Syndrome (Reportable by mail or telephone as soon as possible, within 7 days)

690.700 Trachoma

690.710 Trichinosis (Trichinellosis) (Reportable by mail or telephone as soon as possible, within 7 days)

690.720 Tuberculosis

690.725 Tularemia (Reportable by mail or telephone as soon as possible, within 7 days)

690.730 Typhoid Fever (Reportable by telephone as soon as possible, within 24 hours)

690.740 Typhus (Reportable by telephone as soon as possible)

690.750 Whooping Cough (Pertussis)

SUBPART D: DEFINITIONS

Section

690.900 Definition of Terms

SUBPART E: GENERAL PROCEDURES

Section

690.1000 General Procedures for the Control of Communicable Diseases

690.1010 Incorporated Materials

SUBPART F: SEXUALLY TRANSMITTED DISEASES (Repealed)

Section

690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM COMMUNICABLE DISEASES

Section

690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease

690.1210 Funerals (Repealed)

EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing "AN ACT for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this act" (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4701 et seq.) and Section 1 of "AN ACT in relation to communicable disease reports" (Ill. Rev. Stat. 1989, ch. 126, par. 21, and implementing and authorized by "AN ACT in relation to public health" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 21 et seq.); the Infant Eye Disease Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4701 et seq.) [410 ILCS 215] and the Communicable Disease Report Act (Ill. Rev. Stat. 1991, ch. 126, par. 21) [45 ILCS 451, and implementing and authorized by the Department of Public

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 6) Measles 690.520
 7) Meningitis and other invasive disease (due to *Neisseria meningitidis* or *Haemophilus influenzae*) 690.530(a)
 8) ~~Meningococcal~~ 690.540
 98) Plague 690.56070
 409) Poliomyelitis 690.57080
 4410) Rabies, human 690.590600
 44211) Smallpox 690.64050
 44312) Typhoid fever 690.72030
 44413) Typhus 690.73040
 44514) Whooping Cough (Pertussis) 690.74050

*Telephone report required if 2 or more cases the same nursery within 48-hour period.

b) Class II

~~The following diseases are reportable by mail or by telephone within 7 days of diagnosis.~~ The following diseases shall be reported as soon as possible, but within 7 days, to the local health authority which shall then report to the Department within 7 days. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable.

- 1) Acquired Immunodeficiency Syndrome (AIDS) 693.20
 2) ~~AIDS - Related Complex (Repeated)~~
 32) Amebiasis 690.300
 43) Animal bites 690.310
 4) Blastomycosis 690.325
 5) Brucellosis 690.330
 6) Chlamydia 693.20
 7) Chickenpox 690.350
 8) Cryptosporidiosis 690.365
 92) Encephalitis 690.390
 910) Enteropathogenic *Escherichia coli* infections Due to
 Serotype O157:H7*
 4011) Giardiasis 690.400
 4412) Gonorrhea 690.420
 44213) HIV Infection 693.20
 44314) Hepatitis, type A viral 690.450(a)
 44415) Hepatitis, type B viral (Cases and Carriers)* 690.450(b)
 44516) Hepatitis, delta 690.450(e)
 44617) Hepatitis, viral unspecified 690.450(c)
 44718) Hepatitis, non-A, non-B 690.450(d)
 44819) Histoplasmosis 690.460

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4920) Intestinal worms 690.470
 A) Tapeworms 690.470(a)
 B) Ascariasis 690.470(b)
 2021) Legionnaires' Disease (*Legionellosis*) 690.475
 2422) Leprosy 690.480
 2223) Leptospirosis 690.490
 24) Listeriosis 690.495
 2325) Lyme Disease 690.505
 2426) Malaria* 690.510
 2527) Meningitis (due to bacteria, fungi or protozoa other than those listed ~~on~~ in Class I) and Aseptic Meningitis 690.450530
 (b) & (c)
 2628) Mumps 690.54050
 2729) Ophthalmia neonatorum (gonococcal) 690.55060
 2830) Psittacosis* 690.58090
 2931) Rocky Mountain spotted fever 690.60010
 3032) Rubella, including congenital rubella syndrome 690.64020
 3433) Salmonellosis* (other than typhoid fever) 690.62030
 3234) Shigellosis* 690.63040
 3335) Staphylococcal infections occurring in infants under 28 days of age (within a health care institution; or with onset after discharge) 690.65060
 3436) Streptococcal infections (due to Group A streptococci), including ~~emphlegmons~~ pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever, and invasive disease* 690.66070
 3537) Syphilis 693.20
 3638) Tetanus 690.68090
 3739) Toxic Shock Syndrome 690.695
 3840) Trachoma 690.698700
 3941) Trichinosis 690.70010
 4042) Tuberculosis 690.74020
 43) Tularemia 690.725

*Cases and carriers (when carriers are required to be reported) of these should be confirmed by appropriate laboratory tests before reporting.

c) The occurrence of any increase in incidence of disease of unknown or unusual etiology should be reported, with major signs and symptoms listed.

d) When an epidemic of a disease dangerous to the public health occurs, and present rules are not adequate for its control or prevention, more stringent ~~regulations~~ requirements shall be issued by this Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 690.110 Diseases Repealed From This Part.

The following diseases have been repealed from this set of regulations. Regulations governing reporting and control of these diseases are cited below.

- | | |
|--|----------------|
| a) Acquired Immunodeficiency Syndrome (AIDS) | 693.20 |
| b) AIDS Related Complex | Not Reportable |
| c) Chancroid | Not Reportable |
| d) Gonorrhea | 693.20 |
| e) Granuloma Inguinale | Not Reportable |
| f) Lymphogranuloma Venereum | Not Reportable |
| g) Meningococcemia | 690.530 |
| h) Syphilis | 693.20 |

(Source: Added at 18 Ill. Reg. _____, effective _____)

SUBPART B: REPORTING

Section 690.200 Reporting

a) Reporting Entities and Manner of Reporting

- 1) It shall be the duty of each of the following persons or any other person having knowledge of a known or suspected case or carrier of communicable disease or communicable disease death, to report within the time frames set forth in Section 690.100 of this Part (except for sexually transmissible diseases which are reportable under the "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) such case, suspected case, carrier or death:

- | | |
|----|----------------------------|
| A) | Physicians, |
| B) | Nurses, |
| C) | Nurse Aides, |
| D) | Dentists, |
| E) | Health Care Practitioners, |
| F) | Laboratory Personnel, |
| G) | School Personnel, |
| H) | Parent, |
| I) | Householder, |
| J) | Day Care Personnel. |

- 2) Laboratories are required to report certain positive test results as specified in Subpart C of this Part.

- 23) Such reports shall be by telephone or in writing (see Section 690.100) to the local

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

health authority (see definition of, Section 690.900) in whose jurisdiction the reporter is located. Local health authorities receiving such reports shall notify the local health authority where the patient resides within 24 hours following notification for Class I diseases and within 7 days following notification for Class II diseases. The reporter shall cooperate in any case investigation conducted by health officials. If a known or suspected case or carrier of a reportable communicable disease is hospitalized or examined in a hospital or long-term care facility, it shall be the duty of the administrator of the hospital or long-term care health care facility to ensure that the case is promptly reported to the local health authority.

- b) Upon receipt of such report, the local health authority shall forward a written copy of it to the Illinois Department of Public Health according to time frames specified in Section 690.100.

- c) The report to the Illinois Department of Public Health shall provide the following information: name, age, sex, race, ethnicity, and address of the case, and name of the attending physician. When specified requested on forms provided by the Department, clinical and laboratory findings in support of the diagnosis and epidemiological facts relevant to the source and possible hazard of transmission of the infection shall also be provided reported.

- d) The health authority that receives the report of a patient who is living outside its jurisdiction, but who is hospitalized within its jurisdiction, shall notify the health authority where the patient resides.

e) Confidentiality

- 1) It is the policy of the Illinois Department of Public Health to maintain the confidentiality of information that would identify individual patients. Immunity of medical practitioners and other persons from suit for slander or libel is contained in "AN ACT in relation to communicable disease reports" (Ill. Rev. Stat. 1987, ch. 426, par. 21).

- 2) WHENEVER ANY STATUTE OF THIS STATE OR ANY ORDINANCE OR RESOLUTION OF A MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION ENACTED PURSUANT TO STATUTE OR ANY RULE OF AN ADMINISTRATIVE AGENCY ADOPTED PURSUANT TO STATUTE REQUIRES MEDICAL PRACTITIONERS OR OTHER PERSONS TO REPORT CASES OF COMMUNICABLE DISEASES, INCLUDING VENEREAL DISEASES, TO ANY GOVERNMENTAL AGENCY OR OFFICER, SUCH REPORTS SHALL BE CONFIDENTIAL, AND ANY MEDICAL PRACTITIONER OR OTHER PERSON MAKING SUCH REPORT IN GOOD FAITH SHALL BE IMMUNE FROM SUIT FOR SLANDER OR LIBEL BASED UPON ANY STATEMENTS CONTAINED IN SUCH REPORT. THE IDENTITY OF ANY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

INDIVIDUAL CONTAINED IN A REPORT OF COMMUNICABLE DISEASE, VENEREAL DISEASE OR FOOD-BORNE ILLNESS OR AN INVESTIGATION CONDUCTED PURSUANT TO A REPORT OF A COMMUNICABLE DISEASE, VENEREAL DISEASE OR FOOD-BORNE ILLNESS SHALL BE CONFIDENTIAL AND SUCH IDENTITY SHALL NOT BE DISCLOSED PUBLICLY IN ANY ACTION OF ANY KIND IN ANY COURT OR BEFORE ANY TRIBUNAL, BOARD OR AGENCY. (Communicable Disease Report Act, Ill. Rev. Stat. 1991, ch. 126, par. 20) [745 ILCS 45]

~~fe~~ Section 8-2101 of the Code of Civil Procedure explains the confidential character of reports obtained for research projects (Ill. Rev. Stat. ~~1987~~ 1991, ch. 110, par. 8-2101) [735 ILCS 5]. The Illinois Department of Public Health, and other agencies specified in this Section, may collect certain information and require reporting of certain diseases and conditions for research projects. The law provides for confidentiality of such reports, prohibits disclosure of all data so obtained except that necessary for the purpose of the specific study, and provides that such data shall not be admissible as evidence, and that the furnishing of such information in the course of a research project shall not subject any informant to any action for damages.

~~gf~~ When the Director determines that morbidity and mortality from a certain disease warrants study, he may declare such disease to be the subject of a medical research project and require hospitals, physicians, etc., to submit such information, data and reports as are necessary for the purpose of the specific study. Such data so obtained shall be held confidential in accordance with Section 8-2101 of the Code of Civil Procedure (~~Ill. Rev. Stat. 1987, ch. 110, par. 8-2101~~).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF
COMMUNICABLE DISEASES

Section 690.300 Amebiasis (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Variable, from a few days to several months or years; commonly 2 to 4 weeks.
- b) Control of Case and Carrier

- 1) Isolation is ~~not~~ required- for patients while they are in health care facilities. (See

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

enteric precautions or disease-specific precautions in Section 690.1010(a)(1).)

- 2) ~~Food handling is prohibited by cases or carriers. Cases or carriers who are food handlers or in sensitive occupations shall not return to their usual occupations until three consecutive stool specimens, taken not less than 24 hours, one-week apart, are negative for trophozoites and cysts of Entamoeba histolytica. If antimicrobial treatment was given, specimens must be collected at least 24 hours after treatment was discontinued.~~
- 3) ~~Concurrent disinfection of feces and articles contaminated with feces is required; unless disposal of excreta is by sanitary sewer is appropriate; hand washing is required after defecation. (See Section 690.1000(e)(1)).~~
- 4) Instruction of convalescent and chronic carriers in personal hygiene, particularly as to sanitary disposal of fecal waste and hand washing after use of toilet.
- c) Control of Contacts, There are no restrictions on contacts.
~~No restrictions.~~
- d) Sale of Food, Milk, etc. (See Section 690.1000(f)).
- e) General Measures
 - 1) Sanitary disposal of human feces.
 - 2) Safeguarding of water supplies.
 - A) Protect potable water supplies against fecal contamination.
 - B) Boil drinking water where necessary.
 - C) Chlorination is inadequate for destruction of cysts.
 - D) Filtration by a municipal system or by some selected portable units is the only effective treatment other than boiling.
- 3) Supervision of the general cleanliness and the personal health and sanitary practices of persons preparing and serving food in public eating places, especially moist foods eaten raw.
- 4) Education in personal cleanliness, particularly washing hands with soap and water after evacuation of the bowels. Supervision of persons incompetent in personal hygiene.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 5) ~~Control of fly breeding and protection of foods against fly contamination.~~
- 6) Avoidance of cross connections between public and private auxiliary water supplies and of back-flow connections in plumbing systems.
- 7) ~~Adequate treatment of patients and sub-clinical cases when discovered, with a view to eradication of the parasite.~~
- 8) Laboratories are required to report to the local health authority all patients from whom *Entamoeba histolytica* trophozoites or cysts have been identified.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Reports. Every instance in which a person has been bitten by an animal, or in which there is reason to suspect that the wet saliva has come in direct contact with fresh, open or raw pre-existent abrasions or mucous membranes shall be reported on cards ~~such as are employed that are used for reporting communicable diseases.~~
- b) Investigations. All known instances of animal exposures described above are to be investigated promptly by the local health authority to determine whether or not antirabies treatment of the exposed person shall be recommended. (See Subsection (d) below, "Rationale of Treatment".)

c) Local Treatment of Bites

- 1) Immediate and thorough local treatment of all bite wounds and scratches is ~~perhaps the most effective means of preventing rabies. Experimentally, the~~ The incidence of rabies in animals can be markedly reduced by local therapy alone. First-aid treatment should be carried out immediately by flushing the bite wound thoroughly with soap and water.

- 2) Under the direction of a physician, the wound should be thoroughly flushed with soap solution. ~~Quaternary ammonium compounds, such as Zephiran (benzyl ammonium chloride), may also be used—~~ Tetanus prophylaxis and measures to control bacterial infection should be initiated as indicated.

d) Rationale of Treatment

Every exposure to possible rabies infection must be individually evaluated. In the United States, the following factors should be considered before specific antirabies treatment is initiated:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Species of biting animal - Carnivorous animals (especially skunks, foxes, coyotes, raccoons, dogs and cats) and bats are more likely to be infected than other animals. Bites of rabbits, squirrels, chipmunks, rats, and mice seldom, if ever, call for rabies prophylaxis.
- 2) Circumstances of biting incident - An unprovoked attack is more likely to mean that the animal is rabid. (Bites during attempts to feed or handle an apparently healthy animal should generally be regarded as provoked.)
- 3) Type of exposure - Rabies is transmitted by inoculation of infectious saliva through the skin or mucous membranes. ~~Thus, the likelihood that rabies infection will result from exposure to a rabid animal varies with the nature and extent of the exposure. (Immediate treatment is indicated on bites of the upper extremities and head, and on deep or extensive lacerations regardless of location, until the health status of the animal is determined.)~~
- 4) Vaccination status of biting animal - A ~~properly~~ currently immunized animal has only a minimal chance of developing rabies and transmitting the virus.
- 5) Presence of rabies in region
- A) If adequate laboratory and field records indicate that there is no rabies infection in a domestic species within a given region, local health officials are justified in considering this in recommendations on antirabies treatment following a bite by that particular species.
- B) Prophylaxis is discussed more fully in "~~Recommendation of the Public Health Service Advisory Committee on Immunization Practices—Rabies Prophylaxis—~~" "~~Rabies Prevention—United States, 1991. Recommendations of the Immunization Practices Advisory Committee~~" available from the Department. (See Section 690.1010(a)(12))
- c) Control of Biting Animals. See "~~Illinois Animal Control Act~~" (Ill. Rev. Stat. 1981, ch. 35, par. 35) the Animal Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 35) [510 ILCS 5].
- d) General Measures
- 1) A healthy ~~domestic animal~~ pet dog or cat that bites a person should be confined and observed by a veterinarian for 10 days from the date of the bite. Dogs which ~~were~~ had been legally vaccinated at the time of the bite may usually be confined at home. Any illness in the biting animal should be reported immediately to the local health ~~department~~ authority and evaluated by a veterinarian. Early signs of rabies in wild animals cannot be interpreted reliably; therefore, any such animal that bites or scratches a person should be killed at once (without unnecessary damage to the head)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

and the brain examined for evidence of rabies.

- 2) Educate the public in the necessity of complying with restrictions on dogs and other pets, of having them vaccinated, of seeking immediate medical attention for a bite or wound inflicted by an animal, and of confining the biting animal. The prompt reporting of bites to the local health authority is also very important.
- 3) It should be required that all dogs in congested areas be kept on a leash at all times when not in their owner's home. Ownerless dogs should be disposed of by ~~public authority~~ local animal control units.
- 4) Preventive vaccination of dogs in accordance with the ~~"Illinois Animal Control Act"~~ (Ill. Rev. Stat. 1981, ch. 8, para. 351 et seq.) Animal Control Act is required.
- 5) Close cooperation should be established between the ~~health department~~ local health authority and the county animal control administrator.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.320 Anthrax (Reportable by telephone as soon as possible, within 24 hours)

- a) Incubation Period - ~~Within 7 days, usually 2 to 5;~~ 2 to 7 days; most cases occur within 48 hours following exposure.

b) Control of Case

- 1) Isolation is required until lesions have healed. See drainage/secretion precautions or disease-specific precautions in Section 690.1010 (a)(1).

- 2) Concurrent disinfection of discharges from lesions is required. Spores can be killed only by special measures such as steam under pressure, or incineration (only in facilities approved for the disposal of hazardous biological agents); ~~5% cresol or 10% solution of formaldehyde or formalin.~~

- 3) Terminal cleaning ~~with the above agents~~ (see Section 690.1010(a)(1)) is required.

- c) Control of Contacts. No restrictions if patient is ~~promptly~~ properly isolated.

d) General Measures

- 1) A search should be made for history of exposure to infected animals or animal products and trace to place of origin.
- 42) Individuals should avoid contact with animal hide and hair products imported from

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

anthrax endemic countries.

- 23) Animals suspected of being ill with anthrax should be isolated immediately in the care of a veterinarian and the presence of this disease in animals should be reported to the Illinois Department of Agriculture. Post-mortem examination of animals should be made only by a veterinarian or in the presence of one.
- 34) Milk from an infected animal should not be used.
- 45) Effluents and trade wastes, and areas of land polluted by such effluents and wastes, from factories or premises where spore-infected hides or other infected hide and hair products are known to have been worked up into manufactured articles should be controlled and disinfected.

- 56) Special instruction should be given to all employees handling raw hides in regard to the necessity of personal cleanliness. Every employee handling raw hides, hair, or bristles who has an abrasion of the skin should report immediately to a physician.

- 67) Tanneries and woolen mills should be equipped with proper ventilating apparatus so that dust ~~is~~ can be promptly removed before reaching the respiratory tract of humans.

- 8) Laboratories are required to report to the local health authority all patients from whom Bacillus anthracis has been isolated.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.325 Blastomycosis (Reportable by mail or telephone as soon as possible, within 7 days.)

- a) Incubation Period - Indefinite; probably a few weeks or less, to months.

b) Control of Case

- 1) Isolation is not required.

- 2) Concurrent disinfection of sputum and discharges, and articles contaminated with sputum or discharges is required. (See Section 690.1000(e)(1)(A) through (E))

- 3) Terminal cleaning is required. (See Section 690.1000(e)(2))

- c) Control of Contacts. There are no restrictions on contacts.

- d) General Measures. Laboratories are required to report to the local health

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

authority patients from whom *Blastomyces dermatitidis* is cultured.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 690.330 *Brucellosis* (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Highly variable and difficult to ascertain: usually 5 to ~~21~~ 60 days, occasionally several months.

- b) Control of Case

- 1) Isolation is ~~not~~ required: if draining lesions are present, otherwise isolation is not required. (See drainage/secretion precautions or disease-specific precautions in Section 690.1010(a)(1).)

- 2) Concurrent disinfection of body discharges is required. (See Section 690.1000(e)(1))

- c) Control of Contacts, ~~No restrictions:~~ There are no restrictions on contacts.

- d) General Measures

- 1) Pasteurization of milk and milk products, whether from cows or goats.
- 2) Search for infection among livestock and elimination of infected animals from the herd.
- 3) Education of the public, and particularly workers in slaughter houses, packing houses and butcher shops, as to the nature of the disease, the mode of transmission, and the danger of handling carcasses or products of infected animals.
- 4) Travelers abroad ~~are~~ should be advised to ~~exercise caution~~ against the ingestion of unpasteurized dairy products, including cheese.
- 5) Laboratories are required to report to the local health authority all patients from whom *Brucella* species are isolated and all patients with positive serologic tests for *Brucella*.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.350 *Chickenpox* (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - From 2 to 3 weeks; commonly 13 to 17 days. The incubation period may be up to 4 weeks if immune globulin has been administered.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b) Control of Case

- 1) ~~isolation is required~~ Children shall be excluded from school for not less than ~~six~~ five days after the appearance of eruption or until vesicles become dry. In a health care facility, strict isolation (see Section 690.1010(a)(1)) is required until all lesions are crusted.

- 2) Concurrent disinfection is required of articles soiled by discharges from the nose, ~~and~~ throat and ~~from~~ lesions. (See Section 690.1000(e)(1)) 690.1000(e)(1))

- c) Control of Contacts

No restrictions, ~~except investigation under suspicion of smallpox or of secondary syphilis, especially in adults~~ except that contacts in a health care facility should be quarantined, as necessary, until the incubation period has elapsed to prevent exposure of immunocompromised patients.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.360 *Cholera* (Reportable by telephone as soon as possible, within 24 hours)

- a) Incubation Period - From a few hours to 5 days, usually 2 to 3 days.

- b) Control of Case

- 1) Isolation is required until diarrhea ceases. See enteric precautions or disease-specific precautions in Section 690.1010(a)(1). Cases who are food handlers or work in sensitive occupations may not return to their occupations until diarrhea ceases, ~~three consecutive specimens of feces, beginning at least 7 days after cessation of antibiotics and taken not less than twenty-four hours apart, are examined by one of the laboratories of the Illinois Department of Public Health and found to be negative for cholera.~~ Negative results are not reliable on specimens older than 6 hours unless submitted in an approved transport medium.

- 2) Concurrent disinfection of feces, vomitus, and linens and other articles used by patients is required. Hand washing is required after defecation. (See Section 690.1000(e)(1)) 690.1000(e)(1))

- 3) Terminal cleaning is required. (See Section 690.1000(e)(2)) 690.1000(e)(2))

- c) Control of Contacts, Observation of contacts is required during the period of household exposure and for five days after last exposure ~~is ended~~. Contacts who are food handlers or in sensitive occupations and who have diarrhea may not return to their occupations until diarrhea ceases, ~~should break contact with the case and should not return to their job duties~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

until two successive stool cultures, taken not less than twenty-four hours apart, are examined by one of the laboratories of the Illinois Department of Public Health and found to be negative for cholera:

- d) Sale of Food, Milk, etc. (See Section 690.1100(f) 690.1000(f)).

e) General Measures

Immunization against cholera may be required when traveling in endemic or epidemic areas:

- 1) The local health authority should educate the public about safe choices of food and drink when traveling to developing countries.
- 2) The local health authority should educate the public that raw seafood should not be brought home from developing countries.
- 3) Laboratories are required to report to the local health authority all patients from whom *Vibrio cholerae* has been isolated.
- 4) Laboratories are required to forward *Vibrio cholerae* isolates to the Illinois Department of Public Health laboratory for serotyping and toxin testing.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.365 Cryptosporidiosis (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period. The incubation period is not precisely known. The usual range is one to twelve days with an average of approximately 7 days.

b) Control of Case

- 1) Enteric Precautions, or disease-specific precautions are required. (See Section 690.1010(a)(1))
- 2) Cases with diarrhea may not be employed as food handlers or in sensitive occupations until diarrhea ceases.
- 3) Concurrent disinfection of feces and articles soiled with feces is required. Hand washing after defecation is required. (See Section 690.1000(e)(1))
- 4) Terminal cleaning is required. (See Section 690.1000(e)(2))

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

c) Control of Contacts

- 1) Household contacts and others in close contact with the case who have diarrhea should be tested for *Cryptosporidium*.
- 2) Contacts with diarrhea shall not be employed as food handlers or in sensitive occupations while they have diarrhea.

d) General Measures

- 1) Provide education to the public about personal hygiene.
- 2) Provide education to the public about avoiding contact with calves and other animals with diarrhea.
- 3) Filtration should be included in the treatment of public water supplies.
- 4) Laboratories are required to report to the local health authority patients from whom *Cryptosporidium* species has been identified.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)

- a) Incubation Period - 12 to 72 hours.

b) Definition

- 1) Any hospitalized infant having four or more loose or watery or otherwise pathological stools in twenty-four hours, with or without weight loss, anorexia, and listlessness shall be considered to have diarrhea of the newborn. Such infant(s) shall be isolated immediately pending determination of the etiology of the diarrhea.
- 2) The occurrence in a maternity department of two or more cases of diarrhea of the newborn shall be considered epidemic diarrhea. A single case of diarrhea with a proven contagious etiological agent shall be considered epidemic diarrhea.

c) Control of Case

- 1) Isolation is required pending determination of the etiology of the diarrhea. See enteric precautions or disease-specific precautions in Section 690.1010(a)(1). The infected infant shall immediately be removed from the hospital nursery to isolation quarters and there be cared for by separate nursing staff, skilled in isolation

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

techniques, the members of which do not come in contact with other infants or children. ~~Other precautions as specified in the latest edition of the manual entitled "Isolation Techniques of Use in Hospitals", U.S. Department of Health, Education and Welfare, Public Health Service, should be followed.~~

2) Immediate culture and examination of feces for specific bacterial and viral agents, and microscopic examination for protozoa and helminths as indicated by the patient's clinical presentation, are required when the etiology is unknown. ~~Fluorescent antibody tests are becoming more useful. If E. coli is the predominant organism, a culture of mixed pickings should be held on an agar slant for two weeks pending the occurrence of other cases. If or when a second case occurs, E. coli cultures from both cases should be serotyped and if positive submitted to the Illinois Department of Public Health Laboratory.~~

3) Concurrent disinfection, with sanitary disposal of feces, is required. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

d) Control of Contacts to Epidemic Diarrhea

1) ~~When only one case of diarrhea of the newborn has occurred, and the baby's mother has tested positive for the same organism causing illness in the baby, testing is required only of other babies that were in the nursery at the same time as the infected baby.~~

2) ~~When multiple cases of diarrhea of the newborn have occurred, or when the source of the infected baby is most likely another infant or staff member.~~

4A) Immediately close the involved nursery to new admissions.

2B) ~~Any infant transferred from the involved nursery to another part of the hospital or to another health care institution must be placed in isolation. Enteric precautions or disease-specific precautions (see Section 690.1010(a)(1)).~~

3C) Reduce the census in the involved nursery by discharge as rapidly as possible.

4D) All exposed infants in the involved nursery shall be cared for by a separate nursing staff skilled in isolation techniques. Particular emphasis should be placed on hand washing between contacts with infants.

5E) No new admissions may be made to the involved maternity department. A separate maternity section may be established for new maternity admissions upon approval by the Illinois Department of Public Health.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

6E) Bacteriologic and/or microscopic examination of stools, according to clinical indication, is required of all ~~sick~~ ill and exposed infants, mothers, attending physicians and maternity and nursery service personnel. Those persons found to harbor the suspected organisms or parasites shall be excluded from maternity, nursery and pediatric service until released by the Illinois Department of Public Health. Personnel who use universal precautions (see subsection 690.1010(a)(2)) while caring for patients shall not necessarily be restricted from their occupations if they do not have diarrhea (see regulations in this Part specific to each etiologic agent). Health care workers shall be restricted from their occupations if they fail to submit required specimens within one week of notification. This occupational restriction shall terminate when required specimens are submitted, dependent upon the provisions of rules specific to each etiologic agent.

7G) Investigation shall be made of all infants discharged from the hospital in the period two weeks prior to the onset of the initial case to determine if additional cases have occurred.

8H) Maternity service may be renewed in the involved maternity section only after discharge of all contact infants and mothers and after ~~thorough cleaning, and where possible, sterilizing of the nursery, maternity wards and equipments;~~ terminal cleaning has been completed (see Section 690.1000(c)(2)).

e) ~~Sale of Food, Milk, etc.~~

See Section 690.1000(f).

(Source: Amended 18 Ill. Reg. _____, effective _____)

Section 690.390 Encephalitis (Reportable by mail or telephone as soon as possible, within 7 days)

Each case of encephalitis, whether acute, sub-acute or chronic, should be reported at the time diagnosis is suspected and appropriate measures for an etiological diagnosis should ~~be begun if possible begin.~~

a) Primary Infectious Type

1) Incubation Period - Usually 5 to 15 days for primary infectious types.

2) Control of Case

A) Isolation is not required unless required for etiologic agent. Patient should be protected from contact with biting or sucking insects.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

B) Concurrent disinfection if dependent upon etiologic agent.

3) General Measures

Control measures will depend upon prompt reporting to the local health authority, and accurate etiologic diagnosis.

b) Post-infectious Type (specify pre-existing condition infection)

1) Incubation Period - Occurs during course of, or following, specific infectious disease (e.g., measles, mumps, etc.) leading to the condition.

2) Control of Case

A) Isolation is dependent upon primary disease.

B) Concurrent disinfection is dependent upon primary disease.

C) Terminal cleaning is dependent upon primary disease.

3) Control of Contacts. There are no restrictions on contacts.

~~No restrictions.~~

c) Post-vaccinal Type (specify antigens responsible)

1) Incubation Period - Uncertain, between 9th and 13th days in most instances.

2) Control of Case and Contacts. No restrictions on case or contacts.

d) General Measures

1) Laboratories are required to report to the local health authority, encephalitis cases from whom a virus was cultured and patients with significant arbovirus antibody test results. Criteria for significance should be determined by each laboratory.

2) Laboratories are required to submit virus isolates from encephalitis patients to the Illinois Department of Public Health for typing.

3) When cases occur during summer months, efforts should be made to obtain acute and convalescent serum specimens for arbovirus antibody testing.

(Source: Amended 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 690.400 ~~Enteropathogenic E.~~ Escherichia coli Infections Due to Serotype O157:H7, Including Complications Such As Hemolytic Uremic Syndrome (Under 3 years of age) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - ~~12 to 72 hours.~~ Up to seven days, commonly three to four days.

b) Control of Case

1) Isolation is required until clinical recovery. See enteric precautions or disease-specific precautions in subsection 690.1010(a)(1). Cases shall not work as food handlers or in sensitive occupations when diarrhea is present.

2) Concurrent disinfection of feces and articles soiled with feces is required. Hand washing is required after defecation. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. (when 2 or more cases occur) There are no restrictions on contacts.

1) ~~The involved nursery and/or pediatrics department shall be closed immediately to new admissions.~~

2) ~~All exposed children in the involved nursery and/or pediatrics department shall be cared for by a separate nursing staff skilled in isolation technique.~~

3) ~~Investigation shall be made of all children discharged from the hospital in the period two weeks prior to the onset of the initially reported case.~~

4) ~~Bacteriologic examination of stools or rectal swabs should be obtained on all hospital attendants of the patient and other close contacts or patients. Hospital attendants found to harbor the suspected organisms shall be excluded from nursery and pediatric service until released by the Illinois Department of Public Health. (See Release Specimens, Section 690.1000(h))~~

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

e) General Measures

1) The local health authority should educate the public about the need to thoroughly cook ground meat prior to ingestion.

2) The local health authority should educate the public that milk should be pasteurized before ingestion.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Protect public water supplies from contamination by sewage and animal waste.
- 4) Laboratories are required to submit E. coli isolates that are sorbitol-negative to the Illinois Department of Public Health laboratory for serotyping.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)

a) Samples, history and submissions of Food Samples:

- 1) Samples of food (at least 100 grams, if possible) suspected of being the source of foodborne illness should be obtained by the local health authority and kept refrigerated until received for examination in a laboratory acceptable to the Illinois Department of Public Health.

- 2) A brief history will be helpful to the laboratory stating-

A) the interval (incubation period) between consumption of the food and first appearance of illness;

B) nature of symptoms;

C) number of persons showing symptoms;

D) list of foods served;

E) any other information considered significant.

- 3) The submission of food specimens to the laboratory should be discouraged when no significant public health service is served thereby.

a) Definition of Foodborne or Waterborne Illness: Foodborne and waterborne illnesses are caused by many different bacterial, viral, parasitic and chemical etiologic agents. Foodborne or waterborne illness usually produce gastrointestinal symptoms. "Diseases Transmitted by Foods", Centers for Disease Control and Prevention, 1982 (Section 690.1010(a)(8)) lists most known causes of foodborne and waterborne disease. All causes of foodborne or waterborne illness listed in this publication are required to be reported.

b) Investigation of Cases and Outbreaks

- 1) All suspected or confirmed cases of foodborne or waterborne illness shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

investigated by the local health authority.

- 2) Investigation of outbreaks shall conform to the following:

A) A central log should be maintained of all incoming complaints related to illness suspected to be due to ingestion of food or water. The log should be reviewed at the time of each new entry to determine if there is a pattern of illness suggesting a public health threat.

B) When an outbreak is suspected, a small number of ill persons (approximately 10) with symptoms typical of the syndrome (or with diagnostic laboratory results) should be interviewed for foods and drinks ingested for the 72 hours prior to the onset of symptoms. Case histories should include:

i) Date and time of onset of each person's illness.

ii) A comprehensive list of signs and symptoms of each ill person. The presence or absence of each sign and symptom should be noted on the interview form as well as the duration of each sign and symptom.

iii) All foods and drinks ingested (and their sources) during the 72 hours prior to onset of illness.

C) A hypothesis should be established regarding a suspect common source when histories indicate a majority of ill persons attended one or more common events or were exposed to a potential common source, and became ill with similar symptoms at approximately the same interval after exposure.

D) A questionnaire should be constructed for collecting information specific to each outbreak using restaurant menus, the list of foods and drinks served at a suspect function, etc. When using menus, include information about foods served with each menu item, appetizers, condiments available at the table, condiments ordered from the kitchen (sour cream, butter, etc.), type of salad dressing, ice ingestion, and all other choices available to diners. The questionnaire should require all interview subjects to answer specifically whether each item was ingested.

E) Case histories should be obtained from all ill persons and well persons, when possible. Interview each adult directly, not through a spouse or other household member. Children should be interviewed with the assistance of an adult. Interviewing in person or by telephone is preferred to mailed questionnaires. When available, the number of well persons interviewed should be approximately the same as the number of ill persons interviewed.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

3) Specimens should be collected from a representative sample of cases, when practical, and tested to confirm the etiologic agent responsible for the outbreak.

4) Samples of implicated foods should be collected and tested, when practical, to identify the vehicle responsible for the outbreak.

5) A final report summarizing the findings of the investigation shall be prepared by the local health authority using "Investigation of a Foodborne Outbreak", form number CDC 52.13, Rev. 9-89. This form is available from the Department.

b) Botulism

1) Incubation Period—Symptoms usually appear within 12 to 36 hours, sometimes several days after eating contaminated food. In general, the shorter the incubation period, the more severe the disease and the higher the case-fatality rate.

2) Control of Case

No restrictions.

3) Specimens

A) Food specimens should be collected as outlined above at the discretion of the local health authority.

B) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of blood and stool specimens.

4) General Measures

A) Educate housewives and others concerned with preservation of foods in the essentials of safe processing as to time, pressure and temperature factors.

B) Frozen foods should be kept frozen until immediately before preparation for eating. Vacuum film packed foods should be kept at a temperature below 45°F. (7°C.).

c) Chemical Foods Intoxications

1) Incubation Period—Ten minutes to several hours.

2) Control of Case:

No restrictions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

3) Specimens

A) Food specimens should be collected as outlined above at the discretion of the local health authority.

B) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of blood, urine and gastric specimens.

4) General Measures

A) Meticulous reading of labels on packaged foods.

B) Avoidance of repackaging of any toxic substance from original package to one labeled for food.

C) Destroy non-labeled packages.

D) Commercial establishments, hospitals, hotels, institutions, markets, etc., should not shelve packages of toxic substances in the same locality as foods.

d) Clostridium perfringens (C. welchii)

1) Incubation Period—From 8 to 22 hours, usually 10 to 12 hours.

2) Control of Case

No restrictions.

3) Specimens

A) Food specimens should be collected as outlined above at the discretion of the local health authority.

B) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of stool specimens from cases. Human carriers are seldom an important source of C. perfringens.

C) In the event samples of the epidemiologically incriminated food are unavailable for analysis, stool specimens should be obtained from well persons associated with the outbreak who were not exposed to the epidemiologically incriminated food item(s).

4) General Measures

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Only pressure-cooking will eliminate heat-resistant spores; control depends upon prevention of proliferation of the organism in food.

- A) Keep foods at temperatures below 45°F. (7°C.) or above 140°F. (60°C.) after preparation.
- B) Chill-cooked foods rapidly in small quantities; reheat leftover foods to an internal temperature of at least 165°F. (149°C.).
- C) Educate food handlers of the risks inherent in the preparation of large quantities of food, especially meat dishes.

e) Salmonellosis—See Section 690.620.

f) Shigellosis—See Section 690.630.

g) Staphylococcal Intoxication

- 1) Incubation Period—Interval between eating food and onset of symptoms is 1 to 6 hours, usually 2 to 4 hours.

- 2) Control of Case
No restrictions.

- 3) Specimens

- A) Food samples should be collected as outlined above at the discretion of the local health authority.

- B) When the incubation period is suggestive of staphylococcal intoxication, nasal swabs, as well as swabs of any pyogenic skin lesions, of food handlers should be cultured for staphylococci.

- C) The Illinois Department of Public Health laboratories should be consulted promptly regarding the submission of specimens of laboratory examination.

- 4) Sale of Food, Milk, etc.

See Section 690.1000(f)

- 5) General measures

- A) Temporary exclusion of persons from handling food if they have pyogenic skin infections, especially of the hands.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) Foods should be kept at temperatures below 45°F. (7°C.) or above 140°F. (60°C.) during display and service.

- c) Sale of Food, Milk, etc. (See Section 690.1000(f)).

- d) General Measures

- 1) Persons with diarrhea shall not work as food handlers and must abide by restrictions on food handlers specified in this Part, specific to each etiologic agent.
- 2) Persons with pyogenic skin infections shall not work as food handlers.
- 3) Potentially hazardous foods shall be kept at temperatures below 45 degrees F (7 degrees C) or above 140 degrees F (60 degrees C) as appropriate, during display and service.
- 4) When outbreaks of foodborne or waterborne disease occur in commercial food establishments, food handlers in the establishment where the outbreak occurred are considered to be contacts to cases and shall be subject to this Part, specific to each etiologic agent.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.420 Giardiasis (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Variable. In experimental infections, incubation periods range from 6 to 22 5 to 25 days, sometimes longer. In a waterborne epidemic in the United States, clinical illnesses occurred 1 to 4 weeks after exposure.

- b) Control of Case and Carrier

- 1) Isolation is required until clinical recovery (i.e. absence of fever and diarrhea). See enteric precautions or disease-specific precautions in Section 690.1010(a)(1).

- 2) Cases or carriers who are food handlers or in sensitive occupations are prohibited from performing their job duties until three consecutive stool specimens, taken not less than 48 hours apart and at least 24 hours after discontinuation of an antimicrobial agent, are negative for trophozoites and cysts of Giardia lamblia. Individuals licensed or registered by the State of Illinois to provide health care services are exempted from this restriction unless they provide care for children less than one year of age, patients with a chronic weakness of bodily functions or organs due to disease or aging, or patients who suffer from a deficiency in the basic immune system. Health care workers who use universal precautions (see Section 690.1010(a)(2)) and who do not have diarrhea are not required to cease their

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

occupations, but must submit release specimens as described above. Health care workers shall be restricted from their occupations if they do not comply with submission of release specimens within two weeks of notification. This occupational restriction will terminate when specimens are submitted.

- 3) Concurrent disinfection of feces and articles soiled with feces is required unless disposal of excreta is by sanitary sewer; hand washing after defecation is mandatory. (See Section 690.1000(e)(1))
- 4) Instruction of convalescent and chronic carriers in personal hygiene, particularly as to sanitary disposal of fecal waste and hand washing after use of toilet.

- c) Control of Contacts. There are no restrictions on contacts.

~~No restrictions:~~

- d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

General Measures

- 1) Sanitary disposal of human feces.

- 2) Safeguarding of water supplies:

A) Protect potable water supplies against fecal contamination

B) Boil drinking water where necessary

C) Chlorination appears inadequate for destruction of cysts

D) Filtration by a municipal system or by some selected portable units is the only effective treatment other than boiling

E) Avoidance of cross connections between public and private auxiliary water supplies and of back-flow connections in plumbing systems.

- 3) Supervision of the general cleanliness and the personal health and sanitary practices of persons preparing and serving food in public eating places, especially moist foods eaten raw.

- 4) Education and personal cleanliness, particularly washing hands with soap and water after evacuation of the bowels. Supervision of persons incompetent in personal hygiene.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

5) ~~Control of fly breeding and protection of foods against fly contamination.~~

6) Maintain high index of suspicion in travelers returning from endemic areas.

7) ~~Adequate treatment of patients.~~

6) Laboratories are required to report to the local health authority patients in whom Giardia lamblia trophozoites or cysts are found.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.450 Hepatitis, Viral (Hepatitis A, Hepatitis B (Cases and Carriers), non-A/non-B hepatitis, Hepatitis Unspecified (Reportable by mail or telephone as soon as possible, within 7 days)

a) Hepatitis A

- 1) Incubation Period - Dose related; from 15 to 50 days, average 28 to 30 days.

- 2) Control of Case

A) Enteric precautions or disease-specific precautions (See Section 690.1010(a)(1)) are required until two weeks after onset of initial symptoms or one week after onset of jaundice. Patients shall not work as food handlers or in sensitive occupations during the period when infection control precautions apply. The blood from a case is infectious for a variable period of time.

B) Concurrent disinfection of feces is required of feces. Hand washing is required after defecation. (See Section 690.1000(e)(1)).

C) Terminal cleaning is not required.

- 3) Control of Contacts

A) No restrictions. Quarantine is not indicated.

B) Passive immunization of household contacts should be started as early as possible with immune serum globulin, 0.01 ml. per lb. (0.02/kg.) body weight. Given intramuscularly within two weeks after exposure, this has been found effective in protection against hepatitis A with jaundice for 6 to 8 weeks.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) Sale of Food, Milk, Etc. (See Section 690.1000(f)).
- 5) General Measures
 - A) ~~Patients with a history of hepatitis A should not be used as blood donors.~~
 - ~~BA)~~ Educate the The local health authority should educate the public toward about good sanitation and personal hygiene, with special emphasis on hand washing and sanitary disposal of feces.
 - ~~B)~~ The local health authority should educate food handlers about hand washing. Managers of restaurants and other food services should supervise the hand washing of food handlers.
 - C) Travelers to highly endemic areas may be given prophylactic doses of immune serum globulin.
 - ~~D)~~ Laboratories are required to report to the local health authority patients who have been found positive for IgM-specific antibodies to the hepatitis A virus (anti-HAV IgM).
 - ~~E)~~ Local health authorities should educate the public that oysters, clams and other shellfish from contaminated areas should be thoroughly cooked before ingestion.
- b) Hepatitis B (Cases and Carriers)
 - 1) Incubation Period (for cases) - usually 45 to 180 days, average 60 to 90 days; variation may in part be related to size of inoculum.
 - 2) Control of Cases and Carriers
 - A) Use universal precautions, blood ~~Blood~~ and body fluid precautions, or disease-specific precautions (See Section 690.1010(a)(1)) for body fluids and items exposed to body fluids ~~are required until disappearance of hepatitis B surface antigen (HBsAg) and appearance of hepatitis B surface antibody (anti-HBs) by serologic testing.~~
 - B) Concurrent disinfection is required of equipment contaminated with blood, saliva and semen. (See Section 690.1000(e)(1)).
 - ~~C)~~ Terminal cleaning is not required.
 - 3) Control of Contacts

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) No restrictions. Quarantine is not indicated.
- B) A person ~~exposed~~ who is a contact to cases ~~and~~ or carriers of hepatitis B should be tested for susceptibility to hepatitis B virus and given prophylaxis as recommended by the Immunization Practices Advisory Committee (ACIP), U.S. Public Health Service, Centers for Disease Control, in the publication "Recommendations for Protection Against Viral Hepatitis" "Protection Against Viral Hepatitis" (see Section 690.1010(a)(3) and "Hepatitis B Virus: A Comprehensive Strategy for Eliminating Transmission in the United States Through Universal Childhood Vaccination" (see Section 690.1010(a)(10)).
- C) ~~Infants born to women known to be currently infected with the hepatitis B virus~~ should be given prophylaxis according to recommendations contained in the publications cited in subsection (B) above.
- 4) General Measures
 - A) Pregnant women shall be tested for HBsAg during an early prenatal visit, or when they present to a hospital for delivery if prenatal serologic results are not available.
 - B) Laboratories are required to report to the local health authority patients tested positive for HBsAg or IgM antibodies to hepatitis B core antibody.
 - ~~C)~~ Patients with a history of hepatitis B or a positive hepatitis B surface antigen test must never be blood donors.
 - D) Health care providers shall refer pregnant women who are hepatitis B surface antigen positive to a local health authority for counseling and recommendations on testing and immunizing contacts within seven days of report of the test result.
 - ~~E)~~ The "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 690.1010(a)(9)) shall be followed.
- c) Hepatitis, viral unspecified
 - 1) Control measures should be designed according to the etiology indicated by the epidemiological evidence.
 - 2) Sale of Food, Milk, etc. (See Section 690.1000(f)).
- d) Hepatitis, non-A₂/non-B

ILLINOIS REGISTER

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) Incubation Period - 15-64 days for A-like non-A non-B hepatitis and 2 weeks to 6 months for B-like non-A non-B hepatitis. The usual is 26-42 days for the former, and 6 to 9 weeks for the latter.

saliva and semen. (See Section 690.1000(e)(1)).

2) Control of Case

3) Control of Contacts

A) For A-like non-A non-B hepatitis, Enteric Precautions or disease-specific precautions (See Section 690.1010(a)(1)), are required during the first two weeks of illness or during the first week after onset of jaundice. For B-like non-A non-B hepatitis, blood and body fluid precautions or disease-specific precautions (See Section 690.1010(a)(1)) are required for the duration of illness.

A) No restrictions. Quarantine is not indicated.

B) A person exposed to cases and carriers of delta hepatitis should be given prophylaxis as recommended by the Immunization Practices Advisory Committee (ACIP), U.S. Public Health Service, Centers for Disease Control in the publication "Recommendations for Protection Against Viral Hepatitis," "Protection Against Viral Hepatitis" (see Section 690.1010(a)(3)).

B) Concurrent disinfection is required of equipment contaminated with blood, saliva, semen, feces, and urine. (See Section 690.1000 (e)(1))

C) Infants born to women known to be currently infected with the delta hepatitis agent should be given prophylaxis according to recommendations contained in the publication cited in subsection (B) above.

3) Control of Contacts

4) General Measures

A) No restrictions. Quarantine is not indicated.

B) Immunization of contacts is not indicated. No vaccines exist for non-A non-B hepatitis, and the value of commercially available immunoglobulins has not been established.

1) Patients with a history of delta hepatitis or whose blood has been tested positive for exposure to the delta agent must never be blood donors.

2) Laboratories are required to report to the local health authority patients with delta hepatitis IgM antibodies.

4) General Measures

A) Patients with a history of hepatitis non-A non-B should not be blood donors.

B) Cases should be investigated to determine source of infection. ~~When two or more cases of hepatitis non-A non-B occur in association with a common source, the investigation should include a search for additional cases.~~

f) General measures for Hepatitis are found in the See "Joint Advisory Notice, Department of Labor Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987 (See Section 690.1010(a)(3)).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.460 Histoplasmosis (Reportable by mail or telephone as soon as possible, within 7 days)

e) Delta hepatitis

a) Incubation Period - In reported epidemics, symptoms appear within 5 to 18 days after exposure, commonly 10 days.

1) Incubation Period - Approximately 2-10 weeks for experimental infections in chimpanzees; not firmly established in man.

b) Control of Case

2) Control of Case

1) Isolation is not required.

A) Blood and body fluid precautions or disease-specific precautions (See Section 690.1010 (a)(1)) are required until disappearance of HBsAg and appearance of anti-HBs by serologic testing.

2) Concurrent disinfection of ~~discharges from skin lesions~~, sputum and articles soiled ~~therewith~~ with sputum is required. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

B) Concurrent disinfection is required of equipment contaminated with blood,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- c) Control of Contacts, There are no restrictions on contacts.

No restrictions:

d) General Measures

- 1) Investigate household contacts who have systemic symptoms.
- 2) Minimize exposure to dust and soil ~~about~~ around chicken coops and areas heavily contaminated with bird droppings. Control dust in enclosed areas by spraying with water ~~soluble disinfectant or oil~~. Wear mask in handling contaminated dusts and soils.
- 3) Three applications of 3% formaldehyde to known contaminated areas at the rate of 1/3 gal. per square foot per application will destroy the spores.
- 4) Laboratories are required to report to the local health authority patients from whom Histoplasma capsulatum has been cultured. Laboratories are also required to report to the local health authority patients with a significant criteria for significance should be determined by each laboratory positive histoplasma antibody test result.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days)

a) Tapeworms (Taeniasis) Beef or Pork Tapeworms

- 1) Incubation Period - From 8 to 14 weeks.
- 2) Control of Case
 - A) Isolation is not required, but patients with T. solium ~~should~~ shall be excluded from food handling until negative for T. solium eggs.
 - B) Concurrent disinfection: sanitary disposal of feces. For T. solium, rigid sanitation with washing of hands after defecation and before eating.
 - C) Terminal cleaning is not required.
- 3) Control of Contacts, There are no restrictions for contacts.

No restrictions:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) Sale of Food, Milk, etc. (See Section 690.1000(f)).

5) General Measures

- A) Avoid ingestion of raw or undercooked pork or beef.
- B) Educate the public not to contaminate soil with feces in rural areas. Deny hogs access to latrines or human feces. Cook all garbage before feeding to hogs.
- C) Avoid use of sewage for pasture irrigation.

b) Ascariasis

- 1) Incubation Period - Worms reach maturity about 2 months after embryonated eggs are ingested by man.
- 2) Control of Case
 - A) Isolation is not required.
 - B) Concurrent disinfection is required by sanitary disposal of feces.

C) Terminal cleaning is not required.

- 3) Control of Contacts, There are no restrictions for contacts.

No restrictions:

- 4) Sale of Food, Milk, etc. (See Section 690.1000(f)).

5) General Measures.

- A) Proper disposal of feces and prevention of soil contamination near houses and in play areas of children.
- B) Proper construction of rural privies to prevent scattering of ova through overflow.
- C) Educate all persons, especially children, in ~~hygiene of toilet and~~ proper hand washing practices.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - 2 to 10 days, most often 5 to 6 days. With the Pontiac Fever form - 5 to 66 hours, most often 24-48 hours.

b) Control of Case

- 1) Isolation is not required.
- 2) Concurrent disinfection is not required.
- 3) Terminal cleaning is not required.

c) Control of Contacts

- 1) Quarantine is not indicated.

- 2) Immunization of contacts is not indicated because there are no vaccines available.

d) General Measures

- 1) General preventive measures are unknown. Cooling towers should be drained when not in use.

- 2) When cooling towers and water supplies have been clearly implicated as the source of an outbreak, disinfection is required of the cooling tower water and adequate treatment is required of an implicated water supply. Cooling towers should be cleaned periodically to remove scale and sediment and a biocide should be used to prevent the growth of slime-forming organisms.

- 3) Laboratories are required to report to the local health authority patients from whom Legionella species is cultured. Laboratories are also required to report to the local health authority patients with a four-fold or greater increase in Legionella antibody titer.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.480 Leprosy (Hansen's Disease) (Infectious infectious and non-infectious cases of leprosy are reportable) (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Shortest known is 7 months; probably the average is 3 to 5 years; although many years may elapse before recognition.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Ranges from 9 months to 20 years; average is 4 years for tubercloid leprosy and 8 years for lepromatous leprosy.

b) Control of Case

- 4) ~~Placarding of premises is not required.~~

- 21) Isolation is required pending evaluation by Illinois Department of Public Health personnel. Home or hospital treatment of infectious patients may be permitted where environmental conditions are satisfactory and approved by Illinois Department of Public Health personnel, and if proper medical and nursing care is provided. No isolation is required for tubercloid leprosy. Contact isolation during hospitalization is required for lepromatous leprosy.

- 32) Infectious patients must avoid contact with children because they are at greater risk of infection.

- 3) Infectious patients may return to school or work after continuous treatment for a specified period with antimicrobial agents. Infectious patients are non-infectious after three months of continuous treatment with dapsone or clofazimine or three days of continuous treatment with rifampin.

- 4) Concurrent disinfection of discharges and articles soiled by nasal discharges of infectious patients is required. (See Section 690.1000(e)(1))

- 5) Terminal cleaning (see Section 690.1000(e)(2)) is required.

- 6) Laboratories are required to report to the local health authority patients from whom Mycobacterium leprae has been identified.

- c) Control of Contacts. There are no restrictions for contacts. No restrictions. However, contacts should be examined for secondary cases. Initial examination should be made at time case is discovered and periodic examinations at yearly intervals thereafter for five years after last contact with an infectious case.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.490 Leptospirosis (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Four to 19 days, usually 10 days.

b) Control of Case

- 1) Isolation is not required. Universal precautions, Blood and Body Fluid Precautions

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- c) Control of Contacts
No restrictions.
- d) General Measures
- 1) The local health authority should investigate clusters of cases to determine potential common exposures.
 - 2) All dairy products, except those that are aged for 60 days or longer, should be pasteurized; soft cheeses made with unpasteurized milk have been associated with past listeriosis outbreaks.
 - 3) Contamination of ready-to-eat foods by uncooked meats or poultry should be avoided.
 - 4) The local health authority should educate the public that thorough reheating of potentially contaminated left over foods is advisable, because Listeria can multiply at refrigerator temperatures.
 - 5) Laboratories are required to report to the local health authority patients from whom Listeria monocytogenes has been cultured.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 690.505 Lyme Disease (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - From 3-32 days after tick exposure for erythema migrans.

b) Control of Case

- 1) Isolation is not required.
- 2) Concurrent disinfection is not required.

3) Terminal cleaning is not required.

- 34) Ticks must be carefully removed from the patient to prevent accidental exposure of health care workers and others.

c) Control of Contacts

- 1) Quarantine does not apply.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

or disease-specific precautions (see Section 690.1010(a)(1) of blood and urine are required during hospitalization.

- 2) Concurrent disinfection of discharged urine is required. Where sewage disposal systems are adequate, urine may be discharged directly into sewers without preliminary disinfection. (See Section 690.1000(e)(1))
- 3) Terminal cleaning is not required.

- c) Control of Contacts, There are no restrictions on contacts.

No restrictions.

d) General Measures

- 1) Use protective boots and gloves when there is contamination of area by urine from infected animals.
- 2) Control rodents.
- 3) Segregate infected domestic animals to avoid urine contamination of areas where persons work.
- 4) Warn the public against swimming in waters accessible to wild or domestic animals.
- 5) Laboratories are required to report to the local health authority patients from whom Leptospira species has been cultured. Laboratories are also required to report to the local health authority patients with a significant (each laboratory will determine criteria for significant) antibody titer against leptospire.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.495 Listeriosis (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Variable; probably three to 70 days.

b) Control of Case

- 1) Enteric Precautions or disease-specific precautions are required until clinical recovery.

2) Concurrent disinfection is not required.

3) Terminal cleaning is not required.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Immunization of contacts does not apply.
- d) General Measures
- 1) The local health authority should investigate cases cases should be investigated to determine the source of their tick exposures.
- 2) The local health authority should be educated about tick avoidance, use of tick repellents and proper removal of ticks.
- 3) Laboratories are required to report to the local health authority patients from whom Borrelia burgdorferi has been cultured.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.510 Malaria (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Average 12 days for *P. falciparum*, 14 days for *P. vivax* and *P. ovale*, and 30 days for *P. malariae*. With some strains for *P. vivax*, there may be a protracted incubation period of 8 to 10 months. With infection by blood transfusion, incubation is usually short, but varies with the number of parasites in the transfused blood.

b) Control of Case

Isolation is not required, but the patient must be protected from bites of mosquitoes by screening of sleeping and living quarters; use of mosquito nets and repellents. Patient should undergo continuous treatment until the blood is freed of malarial parasites.

- 1) Universal precautions (see Section 690.1010(a)(2)) are required for the duration of the illness. Patients should be in mosquito-proof areas at night.
- 2) Concurrent disinfection is not required.
- 3) Terminal cleaning is not required.
- c) Control of Contacts. There are no restrictions on contacts.
- ~~No Restrictions.~~
- d) General Measures
- 1) Employ known effective measures against anopheline mosquitoes.
- 2) Screen sleeping and living quarters; use of mosquito nets and repellents when applicable.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Educate the public as to the mode of spread transmission and methods of prevention of malaria.
- 4) Prescribe appropriate chemoprophylaxis for all travelers to malarious areas.
- 5) Question blood donors as to history of malaria or possible exposure to the disease.
- 6) Laboratories are required to report to the local health authority patients from whom Plasmodium species have been identified.
- 7) Laboratories are required to forward to the Illinois Department of Public Health laboratory slides of blood specimens found to contain malaria parasites for speciation.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.530 Meningitis and Other Invasive Disease Due to *Neisseria meningitidis* or *Haemophilus influenzae* (Reportable by telephone as soon as possible, within 24 hours).

Meningitis Due to Other Bacteria, Fungi and Protozoa, and Aseptic Meningitis (Reportable by mail or telephone as soon as possible, within 7 days)

- a) ~~Meningococcal (see Meningococcal)~~ Meningitis and Other Invasive Disease Due to *Neisseria meningitidis*

1) Incubation Period - Varies from 2 to 10 days, commonly 3 to 4 days.

2) Control of Case

A) Respiratory isolation (see Section 690.1010(a)(1)) is required until 24 hours after start of chemotherapy.

B) Concurrent disinfection of secretions of nose and throat is required. (See Section 690.1000(e)(1))

C) Terminal cleaning is required. (See Section 690.1000(e)(2))

3) Control of Contacts

A) No restrictions.

B) Close clinical observation is the single most effective protective measure. Selective chemoprophylaxis may be desirable; the choice of agent should depend on the most recent available information regarding current sensitivity

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

patterns and safety.

4) General Measures

A) Overcrowding should be prevented in living quarters, working quarters, public conveyances, especially barracks, camps and ships.

B) Vaccination should be considered in selected outbreaks depending on serogroup of the agent and the latest information regarding efficacy.

C) Laboratories are required to report to the local health authority each patient from whom *Neisseria meningitidis* has been isolated from a normally sterile site.

D) Laboratories are required to submit *Neisseria meningitidis* isolates to the Illinois Department of Public Health Laboratory for serogrouping, unless the submitting laboratory has performed serogrouping on the organism.

b) Meningitis and Other Invasive Disease Due to *Haemophilus influenzae*

1) Incubation Period - Unknown, most likely 2 to 4 days.

2) Control of Case

A) Respiratory isolation or disease-specific precautions (see Section 690.1010(a)(1)) are required until 24 hours after chemotherapy started.

B) Concurrent disinfection is not required.

C) Terminal cleaning is not required.

3) Control of Contacts

A) No restrictions.

B) Observe contacts less than 6 years of age, especially infants, for signs of illness, especially fever.

C) Selective chemoprophylaxis may be desirable for household contacts in households where there are other children under four years of age. Chemoprophylaxis is also recommended in day care center classrooms where a case has occurred and children under two years of age have been exposed.

4) General Measures

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

A) All infants should be vaccinated against *Haemophilus influenzae* disease according to the latest recommendations of the Immunization Practices Advisory Committee (see Section 690.1010(a)(1)).

B) Laboratories are required to report to the local health authority patients from whom *Haemophilus influenzae* has been cultured from a normally sterile site. Hospitals are also required to forward to the Illinois Department of Public Health Laboratory all *Haemophilus influenzae* isolates from normally sterile sites for typing, unless the submitting laboratory has typed the organism.

b) Other Bacterial, Fungal and Protozoal Meningitis (such as ~~H. influenzae~~, leptospiral, listerial, pneumococcal, syphilitic, streptococcal, tuberculous, unspecified) Laboratories are required to report to the local health authority patients from whom one of the above organisms was identified in cerebrospinal fluid.

ed) Aseptic* (Viral groups - due to Cocksackie, ECHO and some other viruses)

(Agency Note: Laboratory efforts to identify the etiologic agent should be made.)

1) Incubation Period - Varies with the specific infectious agent.

2) Control of Case

A) Isolation of all cases is required during febrile period.

B) Concurrent disinfection is required of eating and drinking utensils and articles soiled by excretions and secretions of patient. (See Section 690.1000(e)(1))

3) Control of Contacts. There are no restrictions for contacts.

No restrictions.

*Laboratory efforts to identify the etiologic agent should be made and reported accordingly:

4) General Measures

A) Laboratories are required to report to the local health authority meningitis patients from whom a virus was cultured.

B) Laboratories are required to submit virus isolates from meningitis patients to the Illinois Department of Public Health Laboratory for typing.

C) During summer months, cases should have acute and convalescent serum

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

specimens collected and tested for arbovirus antibodies.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.540 Meningococcemia (Reportable by telephone as soon as possible) (Repealed)

a) Incubation Period Varies from 2 to 10 days, commonly 3 to 4 days.

b) Control of Case

1) Isolation is required until 24 hours after start of chemotherapy.

2) Concurrent disinfection of secretions of nose and throat is required. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts

1) No restrictions.

2) Close clinical observation is the single most effective protective measure. Selective chemoprophylaxis may be desirable; the choice of agent should depend on the most recent available information regarding current sensitivity patterns and safety.

d) General Measures

1) Prevent overcrowding in living quarters, working quarters, public conveyances, and especially barracks, camps and ships.

2) Submit isolates to the Illinois Department of Public Health laboratory for serogrouping.

3) Consider vaccination in selected outbreaks depending on serogroup of the agent and the latest information regarding efficacy.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period Usually 36 to 48 hours.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

b) Control of Case

1) Isolation is required for the first 24 hours after administration of antibiotic.

2) Concurrent disinfection: care in disposal of conjunctival discharges and articles soiled therewith. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts: There are no restrictions for contacts.

No restrictions.

d) General Measures. "IT SHALL BE THE DUTY OF ANY PHYSICIAN, MIDWIFE OR NURSE WHO ATTENDS OR ASSISTS AT THE BIRTH OF A CHILD, TO INSTILL OR HAVE INSTILLED IN EACH EYE OF THE NEWBORN BABY, AS SOON AS POSSIBLE AND NOT LATER THAN ONE HOUR AFTER BIRTH, A ONE PERCENT (1%) SOLUTION OF SILVER NITRATE OR SOME OTHER EQUALLY EFFECTIVE PROPHYLACTIC FOR THE PREVENTION OF OPHTHALMIA NEONATORUM APPROVED BY THE STATE DEPARTMENT OF PUBLIC HEALTH." (Infant Eye Disease Act, 410 ILCS 25/0.01 et seq.)

1) The following is an extract of "An Act for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this act", (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 4701 et seq.)

"It shall be the duty of any physician, midwife or nurse who attends or assists at the birth of a child, to instill or have instilled in each eye of the newborn baby, as soon as possible and not later than one hour after birth, a one percent (1%) solution of silver nitrate or some other equally effective prophylactic for the prevention of ophthalmia neonatorum approved by the State Department of Public Health."

21) The Illinois Department of Public Health approves 1% silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin as a prophylactic for ophthalmia neonatorum.

32) It is the duty of all hospitals and places of childbirth to maintain such records of cases of ophthalmia neonatorum in the manner and form prescribed by the Department of Public Health.

43) If gonorrhea is suspected, antepartum treatment of the mother is recommended.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 54) Investigation of the source is required as cited in Section 690.1100, "The Control of Sexually Transmitted Diseases"; The local health authority shall investigate the source of infection pursuant to the Control of Sexually Transmissible Diseases Code, 77 Ill. Adm. Code 693.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.570 Plague (Reportable by telephone as soon as possible, within 24 hours)

- a) Incubation Period - From 2 to 6 days in bubonic plague, 2 to 4 1 to 6 days in pneumonic plague; may be shorter, rarely longer.

b) Control of Case

- 1) Placarding of premises is required unless case is hospitalized if patient has household contacts.
- 2) Isolation is required. Hospitalize all patients. Hospital personnel should be refer to strict isolation procedures as stated in the latest edition of the manual entitled, "Isolation Techniques for Use in Hospitals", U.S. Department of Health, Education and Welfare, Public Health Service. Cases and their clothing should be treated to get rid of fleas.

- A) For patients with bubonic plague who have no cough and have a normal chest x-ray. Drainage/Secretion Precautions or disease-specific precautions are required for three days after start of chemotherapy. (See Section 690.1010(a)(1))

- B) For patients with pneumonic plague, strict isolation is required until three full days of chemotherapy and the patient has a favorable clinical response (see Section 690.1010(a)(1)).

- C) Concurrent disinfection of sputum, purulent discharge and articles soiled with either of these substances is required. (see Section 690.1000(e)(1))

- D) Terminal cleaning is required. (See Section 690.1000(e)(2))

- E) Bodies of persons who have died with plague shall be handled with strict aseptic precautions. (See Section 690.1200)

c) Control of Contacts

- 1) Contacts to pneumonic plague cases shall be offered chemoprophylaxis and quarantined for 6 7 days with close observation for developing illness and recording

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

of body temperature every 4 hours. For contacts who refuse chemoprophylaxis, strict isolation is required for seven days. Start specific therapy as soon as fever appears.

- 2) Contacts to bubonic plague shall be disinfected with insecticide powder and kept under surveillance for 6 7 days. Contacts to bubonic plague should be offered chemoprophylaxis.

d) General Measures

- 1) Intensive flea control, followed by extermination of rats by poisoning and trapping and ratproofing in urban areas. Surveys and inspection in rural areas to detect sylvatic plague.

- 2) Active immunization with killed vaccine of travelers or workers in known infected areas - repeated in 6 months if remaining in the area. Immunization alone must not be relied on while neglecting measures to control rats and fleas. Immunization upon arrival in infected country may be recommended.

- 3) Hunters should be cautious of being bitten by insects (particularly fleas) from rabbits and other rodents which they may handle.

- 4) Laboratories are required to report to the local health authority patients from whom Yersinia pestis is cultured.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.590 Psittacosis (Ornithosis) (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - From 4 - 15 days, commonly 10 days.

b) Control of Case

- 1) Isolation is not required. procedures for hospitalized cases are stated in the latest edition of the manual entitled, "Isolation Techniques for Use in Hospitals", U.S. Department of Health, Education, and Welfare, Public Health Service.

- 2) Concurrent disinfection Sanitary disposal of oral and nasal secretions is required. (See Section 690.1000(e)(1))

- 3) Terminal cleaning is required. (See Section 690.1000(e)(2))

ILLINOIS REGISTER

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- c) Control of Contacts. There are no restrictions on contacts.

~~Contacts should be kept under surveillance for two weeks from date of last exposure to infected birds.~~

- d) Control of Infected Birds and Premises

- 1) Trace origin of infected birds. Laboratory examination is desirable.

- 2) ~~Consult Illinois Department of Public Health laboratories for proper submission of the killed bird.~~

- 3) Buildings housing infected birds should not be used by man until thoroughly cleaned and ~~aired~~ disinfected.

- e) ~~Sale of Birds within State~~ The following shall apply to the sale of birds within the State of Illinois:

- 1) All persons dealing in psittacine birds shall keep a record of each transaction for at least two years; such record shall include the number of birds purchased or sold, the date of the transaction, the number and address of the person or agency from whom purchase or to whom sold.

- 2) In addition to the above, such records shall include the type and period of treatment, antibiotic or other, which may have been administered, and records of all tests for psittacosis which may have been conducted prior to sale or exchange.

- 3) All records as described in subsections (1) and (2) above shall be available for official inspection at all times.

- f) ~~Interstate Shipment of Birds~~ The following U.S. Interstate Quarantine Regulations (effective November 15, 1964) which (21 CFR Ch. I § 1240.65) pertaining to the shipment and transportation of birds of the psittacine family shall be followed:

- 2) ~~"Section 72.22 is revised to read as follows:~~

- A) ~~"72.22. Psittacine Birds--~~

- 1) The term psittacine birds shall include all birds commonly known as parrots, Amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lorries, lorikeets, and all other birds of the psittacine family.

- 2) No person shall transport, or offer for transportation, in interstate traffic any psittacine bird unless the shipment is accompanied by a permit from the state health

department of the state of destination where required by such department. ~~(No permit is required for the admission of psittacine birds into the State of Illinois.)~~

- 3) ~~(c)~~ Whenever the Surgeon General finds that psittacine birds or human beings in any area are infected with psittacosis and there is such danger of transmission of psittacosis from such area as to endanger the public health, he may declare it an area of infection. No person shall thereafter transport, or offer for transportation, in interstate traffic any psittacine bird from such area, except shipments authorized by the Surgeon General for purposes of medical research and accompanied by a permit issued by him, until the Surgeon General finds that there is no longer any danger of transmission of psittacosis from such area. As used in this paragraph, the term 'area' includes, but is not limited to, specific premises or buildings."

- 2) No permit, referenced in subsection (f)(2) of this Section, is required for the admission of psittacine birds into the State of Illinois by the Department.)

- g) Laboratories are required to report to the local health department patients from whom Chlamydia psittaci has been isolated and patients with significant antibody titers to this organism. Each laboratory will determine the definition of a significant titer.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)

- a) Incubation Period - Usually 2 to 8 weeks, occasionally shorter or much longer; depends on extent of laceration, site of wound in relation to richness of nerve supply and distance from brain, amount of virus introduced, protection provided by clothing, and other factors.

- b) Control of Case

- 1) Immediate transfer to a specialized hospital and consultation may be lifesaving.

- 2) ~~Isolation~~ Universal precautions, contact isolation, or disease-specific precautions for respiratory secretions ~~is~~ are required for duration of illness. (See Section 690.1010(a)(1))

- 3) Concurrent disinfection is required of saliva and articles soiled therewith. Immediate attendants must be provided with impervious gloves and protective gowns to avoid inoculation with patient's saliva. (See Section 690.1000(e)(1))

- 4) Terminal cleaning is required. (See Section 690.1000(e)(2))

- c) Control of Contacts. Contacts who have open wound or mucous membrane exposure to the case's saliva shall be offered rabies prophylaxis.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

No restrictions:

- d) General Measures. See "Animal Bites", Section 690.310.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.610 Rocky Mountain Spotted Fever (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - From 3 to about 14 days.

b) Control of Case

- 1) Isolation is not required.
- 2) Destruction of all ticks on patients.
- c) Control of Contacts. There are no restrictions for contacts.

No restrictions:

d) General Measures

- 1) Tick-infested areas should be avoided; remove ticks from the body promptly avoiding crushing; protect hands when removing ticks from animals; use tick repellents.
- 2) Tick-infested livestock and pets should be dipped, sprayed or dusted.
- 3) Persons becoming ill within two weeks after a tick bite should report the bite immediately to a physician and request specific treatment.

- 4) A vaccine is available for persons with continuing close occupational exposure.

- 4) Laboratories are required to report to the local health authority patients with significant positive antibody test results showing evidence of infection with Rickettsia rickettsii.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Six to 72 hours, usually about 12 to 36 hours.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

b) Control of Case

- 1) ~~Isolation is~~ Enteric precautions or disease-specific precautions are required for hospitalized patients until clinical recovery (i.e. absence of fever and diarrhea). (See Section 690.1010(a)(1))
- 2) Cases who are food handlers or in sensitive occupations shall not return to their usual occupation until two consecutive specimens (release specimens) of feces taken not less than 72 hours apart are tested and found to be negative. Specimens must be submitted to a laboratory acceptable to the Illinois Department of Public Health. There is some evidence to suggest that antibiotic treatment of intestinal salmonellosis prolongs rather than reduces the period of shedding. Therefore, antibiotics should be used only for complications of salmonellosis such as septicemia or abscess. If antibacterial treatment has been given, the release specimens must be collected at least 48 hours after treatment was discontinued. ~~Individuals licensed or registered by the State of Illinois to provide health care services are exempted from this restriction unless they provide care for children less than one year of age, patients with a chronic weakness of bodily functions or organs due to disease or aging, or patients who suffer from a deficiency in the basic immune system. Health care workers who use universal precautions, and who do not have diarrhea, are not required to cease their occupations, but must submit release specimens as described above. Health care workers will be restricted from their occupations if they do not begin submitting release specimens within one week of notification. This occupational restriction will terminate when specimen submission begins as long as the case continues to comply with required specimen submission.~~

- 3) Concurrent disinfection of body discharges is required. Hand washing is required after defecation. (See Section 690.1000(e)(1))

- 4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts

- 1) Contacts Who Have Not Had Diarrhea During the Previous Four Weeks

A) There are no automatic restrictions from working for contacts who are food handlers or employed in sensitive occupations and who have had no symptoms of salmonellosis during the previous four weeks.

B) Contacts who are employed as food handlers or in sensitive occupations shall submit specimens as described in subsection (b)(2) of this Section. These contacts will be restricted from their occupations if they do not comply with submission of two release specimens within two weeks following notification.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

C) If either of the two release specimens referenced in subsection (c)(1)(B) of this Section is positive for Salmonella, contacts shall be considered cases and will be required to comply with the provisions of subsection (b)(2) of this Section.

2) Contacts Who Currently Have, or Have Had, Diarrhea During the Previous Four Weeks

A) All contacts who are food handlers or in sensitive occupations and who currently have diarrhea or have had diarrhea during the previous four weeks shall ~~comply with subsection (b)(2) above prior to returning to their usual occupations~~; not continue their occupations until they have submitted two stool specimens as described in subsection (b)(2) of this Section.

B) Health care workers who use universal precautions, and who do not currently have diarrhea, are not required to cease their occupations but must submit release specimens as described in subsection (b)(2) of this Section.

C) Health care workers shall be restricted from their occupations if they do not comply with submission of two release specimens within two weeks of notification. This occupational restriction will terminate when specimens are submitted.

D) If either of the two release specimens referenced in (c)(2)(B) is positive for Salmonella, contacts shall be considered cases and will be required to comply with the provisions of subsection (b)(2) of this Section.

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

e) General Measures

1) The public should be educated to thoroughly cook all foods derived from animal sources, particularly egg products, meat, poultry or pork dishes.

2) Pasteurized egg products should be used when preparing foods that require use of raw eggs or foods in which eggs would be pooled before cooking.

3) All food handlers should be instructed and supervised in hand washing.

4) Isolates should be submitted to the Illinois Department of Public Health laboratory for serotyping. Laboratories are required to report to the local health authority patients from whom Salmonella has been isolated.

5) Laboratories are required to submit Salmonella isolates to the Illinois Department of

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Public Health laboratory for serotyping.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.640 Shigellosis (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - One Twelve hours to 7 days, usually less than 4 one to three days.

b) Control of Case

1) Isolation in a dry proof room is required of all clinically active cases. Enteric precautions or disease-specific precautions are required for patients in health care facilities until two negative fecal cultures are obtained.

2) Cases who are food handlers or in sensitive occupations shall not return to their usual occupations until three two consecutive specimens of feces, taken not less than twenty-four hours apart, are found to be negative. If antibacterial treatment has been given, the specimens must be collected at least 48 hours after treatment was discontinued. If Cary-Blair media is used to transport the specimen, the specimen must arrive at an Illinois Department of Public Health laboratory or a laboratory acceptable to the Illinois Department of Public Health within 72 hours. Because of the fragility of the Shigella organism, specimens must be submitted using other transport media to a must arrive in a laboratory of the Illinois Department of Public Health or in a laboratory acceptable to the Illinois Department of Public Health within six hours of passage.

3) Concurrent disinfection of feces and articles soiled with feces or their sanitary disposal is required. Hand washing after defecation is required. (See Section 690.1000(e)(1))

4) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts

All contacts who are food handlers or in sensitive occupations shall comply with subsection (b)(2) above prior to returning to their usual occupations.

1) Contacts Who Have Not Had Diarrhea During the Previous Four Weeks

A) There are no automatic restrictions from working for contacts who are food handlers or employed in sensitive occupations and who have had no symptoms of shigellosis during the previous four weeks.

B) Contacts who are employed as food handlers or in sensitive occupations shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

diagnosis is suspected, the patient must be confined and strictly isolated wherever he is—whether this be a home, a hotel, or a hospital. He must not be moved, even to another room, and no one except recently vaccinated medical personnel must be allowed to come in contact with him. Appropriate state and local health authorities must be contacted immediately. All recent contacts shall be identified. State and local health authorities will then proceed with confirmation of the diagnosis, following which they will decide when the patient should be moved to already established special communicable disease hospitals. The rules to be followed will be those in the latest revision of the manual for isolation of smallpox cases prepared by the Center for Disease Control. Cases will be isolated and investigated according to the provisions of Section 690.100(d).

- c) Sale of Food, Milk, etc. (See Section 690.1000(f)).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.660 Staphylococcal Infections Occurring Within a Health Care Institution, or With Onset Less than Thirty Days Following Discharge In Infants Under 28 Days of Age) (Within a Health Care Institution or With Onset After Discharge) (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Variable and indefinite, commonly Commonly 4 to 10 days, but disease may not occur until several months after colonization.

- b) Control of Case

1) Techniques as outlined in the latest edition of the manual entitled, "Isolation Techniques for Use in Hospitals", U.S. Department of Health, Education, and Welfare, Public Health Service, must be followed for patients in all health care institutions. Contact isolation or disease-specific precautions are required for hospitalized patients. (See Section 690.1010(a)(1))

2) Patients outside of a health care institution do not require special handling, unless they are a food handler or in sensitive occupations. Such people shall not return to their sensitive occupations until the wounds have healed.

3) Concurrent disinfection of articles contaminated by infectious discharged is required. (See Section 690.1000(c)(1))

4) Terminal cleaning is required. (See Section 690.1000(c)(2))

c) Control of Contacts: Hospital personnel with minor lesions, such as pustules, boils, abscesses, conjunctivitis, severe acne, otitis externa, or infected lacerations, shall not work in a newborn nursery.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

submit specimens as described in subsection (b)(2) of this Section. These contacts shall be restricted from their occupations if they do not comply with submission of two release specimens within two weeks following notification.

- C) If either of the two release specimens referenced in subsection (c)(1)(B) of this Section is positive for Shigella, contacts shall be considered cases and will be required to comply with the provisions of subsection (b)(2) of this Section.

- 2) Contacts Who Currently Have, or Have Had, Diarrhea During the Previous Four Weeks. All contacts who are food handlers or in sensitive occupations and who currently have diarrhea or have had diarrhea during the previous four weeks shall not continue their occupations until they have submitted two stool specimens as described in subsection (b)(2) of this Section.

- d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

- e) General Measures

- 1) Protection and purification of public water supplies.

- 2) ~~Pasteurization of public-milk supplies.~~

- 32) Supervision of hygienic practices, especially hand washing, of other food supplies and of food handlers and young children.

- 4) ~~Prevention of fly breeding.~~

- 53) Sanitary disposal of human excreta.

- 64) ~~Submission of isolates to the Illinois Department of Public Health laboratory for serotyping.~~ Laboratories are required to report to the local health authority patients from whom Shigella has been isolated.

- 5) Laboratories are required to submit Shigella isolates to the Illinois Department of Public Health laboratory for serotyping.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.650 Smallpox (Reportable by telephone as soon as possible, with 24 hours)

- a) Incubation Period - From 7 to 17 days; commonly 10 to 12 days to onset of illness and 2 to 4 days more to onset of rash.

- b) Smallpox is a very serious and very contagious disease. Therefore, if at any time this

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

d) General Measures

1) Strict adherence to hand washing of hospital nursery staff before contact with each infant is required.

2) Laboratories are required to report to the local health authority all infants less than 28 days of age from whom Staphylococcus aureus is isolated.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.670 Streptococcal Infections (~~including Complications~~) (due to Group A streptococci, including pharyngitis, rheumatic fever, acute glomerulonephritis, scarlet fever and invasive disease) (Reportable by mail or telephone as soon as possible, within 7 days)

The following apply to pharyngitis Pharyngitis or skin infections, with or without scarlet fever rash.

a) Incubation Period - Short, usually 1 to 3 days; rarely longer.

b) Control of Case

1) ~~Isolation is Drainage/Secretion~~ Precautions or disease-specific precautions are required, but may be terminated after 24 hours' treatment with penicillin or other appropriate antibacterial agent, provided treatment is continued for a minimum of 10 days to prevent rheumatic fever. (See Section 690.1010(a)(1))

2) Concurrent disinfection is required of nose and throat secretions and all purulent discharges and articles soiled ~~therewith~~ with these discharges. (See Section 690.1000(e)(1))

3) Terminal cleaning is required. (See Section 690.1000(e)(2))

c) Control of Contacts. There are no restrictions for contacts.

No restrictions.

d) Sale of Food, Milk, etc. (See Section 690.1000(f)).

e) ~~Post-streptococcal complications, such as rheumatic fever and glomerulonephritis, shall be reported, but the case is not infectious.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.695 Toxic Shock Syndrome (Reportable by mail or telephone as soon as possible, within 7 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) Control of Case

A) Isolation - Drainage/Secretion Precautions or disease-specific precautions are required for vaginal discharge and pus during the duration of illness. (See Section 690.1010(a)(1))

B) Concurrent disinfection of purulent discharges and articles soiled with these discharges is required. (See Section 690.1000(e)(1))

C) Terminal cleaning is required. (See Section 690.1000(e)(2))

b) Control of Contacts - None.

c) General Measures. Cases must be investigated to determine risk factors associated with disease.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.710 Trichinosis (Trichinellosis) (Reportable by mail or telephone as soon as possible, within 7 days)

a) Incubation Period - About 9 8 to 15 days after ingestion by ~~man~~ of infective meat; varies between 2 5 and 28 45 days.

b) Control of Case. There are no restrictions for cases.

No restrictions.

c) Control of Contacts. There are no restrictions for contacts.

No restrictions.

d) General Measures

1) Educate the public to cook all meat from wild carnivores, pork and pork products at a temperature allowing all parts of the meat to reach at least ~~156~~ 171 degrees F (65-62=C; 77 degrees C) or until meat changes from pink to gray, unless meat previously properly processed. ~~Any ground meat product may contain pork as a result of intentional adulteration or accidental contamination while grinding.~~

2) Attempt to trace each case to the farm where the infected swine originated.

3) Encourage farmers and hog raisers to use standard swine sanitation practices,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

including control of rats and prevention of swine feeding on rats or swine carcasses.

- 4) Urge food stores to have separate grinding machines for beef and pork.
- 5) Laboratories are required to report to the local health authority persons from whom *Trichinella spiralis* has been identified and patients with significant serologic test results. Each laboratory will determine a significant serologic test result.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.725 Tularemia (Reportable by mail or telephone as soon as possible, within 7 days)

- a) Incubation Period - Two to ten days, usually three days.
- b) Control of Case
 - 1) Drainage/Secretion Precautions or disease-specific procedures for drainage from open lesions is required. (See Section 690.1010(a)(1))
 - 2) Concurrent disinfection of drainage from open lesions and conjunctivae, and articles contaminated with drainage is required. (See Section 690.1000(e)(1))

- 3) Terminal cleaning is not required.

c) Control of Contacts: There are no restrictions for contacts.

d) General Measures

- 1) The public should be educated to use impervious gloves when skinning or handling animals, especially rabbits.
- 2) The meat of wild rabbits and rodents should be thoroughly cooked before ingestion.
- 3) The public should be educated to avoid bites by flies, mosquitoes and ticks and to avoid handling these arthropods.
- 4) The public should be educated about the hazards of swimming in streams and ponds in areas where wild animal infection is known.
- 5) Laboratories are required to report to the local health authority patients from whom *Francisella tularensis* has been cultured and patients with significant criteria for significance should be determined by each laboratory) serologic test result for tularemia.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 690.730 Typhoid Fever (Reportable by telephone as soon as possible, within 24 hours)

- a) Incubation Period - Dependent on size of infecting dose; usual range 1 to 3 weeks.

b) Control of Case

- 1) Isolation is required, preferably in a hospital. If at home, conditions must be approved by the local health authority. Enteric Precautions or disease-specific precautions (see Section 690.1010(a)(1)) are required during the acute illness. If the patient is not in a licensed hospital, conditions must be approved by the local health authority. After termination of the acute illness (absence of fever) cases may resume their usual activities after receiving education on transmission of the bacterium that causes typhoid fever from the local health authority, but may not return to day care centers, or to food handling or sensitive occupations until released according to subsection (b)(4) of this Section.
- 2) Concurrent disinfection of feces and urine and articles soiled by these excreta is required until the case is released by the local health authority. In communities with municipal sewage disposal systems, feces and urine may be disposed of discharged into sewers without preliminary disinfection. (See Section 690.1000(e)(1)). Hand washing after defecation is required.

- 3) Terminal cleaning is required. (See Section 690.1000(e)(2))

- 4) The case will be released from isolation Enteric Precautions when three consecutive specimens of feces and urine, taken not less than 24 hours apart and not earlier than 30 days after onset, are negative for *Salmonella typhi*. The first release specimen shall be taken not less than 7 days 48 hours after discontinuation of any antibiotic or bacteriostatic antimicrobial agent. All three release specimens shall be authenticated and shall be taken from the second or third bowel movement after the administration of a saline cathartic. Each release specimen must be examined in a laboratory of the Illinois Department of Public Health or in a laboratory acceptable to the Illinois Department of Public Health within 48 hours of collection. Specimens of feces must show evidence of growth of normal flora.

- 5) If any of the three release specimens from the case are positive and the patient is asymptomatic, the patient shall be classified as a typical carrier. (See subsection (c)) the case shall be classified as a convalescent carrier providing the specimen was collected within 12 months following onset of symptoms.
- 6) If cases do not submit three consecutive negative specimens within 12 months following onset of illness according to this subsection subsection (b), they will be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

classified as chronic carriers.

c) Control of Carriers

1) Individuals who A chronic carrier is defined as:

- A) excrete typhoid bacilli in their feces or urine, or A person who excretes typhoid bacilli in feces or urine and had no symptoms of typhoid disease during the past 12 months, or
- B) harbor typhoid bacilli at a site where excretion is likely, but have no symptoms of typhoid disease, shall be classified as typhoid carriers. Those who have a history of recent acute typhoid (within past 12 months) shall be classified as convalescent typhoid carriers. Those without a history of typhoid disease within the preceding 12 months and persons documented to shed typhoid bacilli for longer than 12 months shall be classified as chronic typhoid carriers. A person who was an acute typhoid fever case who excretes typhoid bacilli for 12 months or longer after onset of typhoid fever, or

C) A person who harbors typhoid bacilli at a site where excretion is likely (including a patient with culture-positive bile or another clinical specimen following cholecystectomy), but had no symptoms of typhoid disease during the past 12 months, or

D) A person with culture-proven acute typhoid fever more than 12 months earlier who has not submitted three negative specimens of feces and urine as described in subsection (b)(4) of this Section.

2) A convalescent carrier is defined as:

- A) A case of acute typhoid fever who has one or more positive cultures subsequent to clinical recovery, or
- B) A person who is culture-positive for typhoid bacilli, as described above, and who has a history of acute typhoid within the previous 12 months.

23) Persons A person found to be a chronic typhoid carrier are is subject to the same regulations as cases, but may be granted a modified form of isolation upon signing a Typhoid Fever Agreement (Exhibit A) and obtaining approval of the local health authority: after receiving health education from the local health authority about modes of transmission for the bacteria that causes typhoid fever. The Typhoid Fever Agreement must be discussed with the carrier and, upon signing, one copy is to be filed with the local health authority, 2 copies forwarded to the Illinois Department of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Public Health, and the fourth copy to be given to the carrier. Chronic typhoid carriers may not be employed as food handlers or in sensitive occupations (see Section 690.900)) or attend group day care until released from the restrictions placed on chronic typhoid carriers (see subsection (c)(7) of this Section). The local health authority shall visit the carrier annually, or as often as necessary to insure compliance with the Agreement: reiterate education about modes of transmission of the bacteria that causes typhoid fever. Elderly carriers should be visited more frequently since they may be at greater risk of being hospitalized or placed in a long-term-care facility. Carriers over age 70 and other carriers with infirm health shall be contacted every six months.

4) A person found to be a convalescent typhoid carrier may not resume his/her usual activities outside the home until granted a modified form of isolation after receiving health education from the local health authority about modes of transmission for the bacteria that causes typhoid fever. Convalescent typhoid carriers may not work as food handlers or in sensitive occupations (see Section 690.900)), or attend group day care until released from the restrictions on convalescent typhoid carriers (see subsection (c)(6) of this Section).

35) If carriers When a typhoid carrier (chronic or convalescent) requires hospital care or care in a long-term care facility or day care (adult or child) program for any reason, the facility shall be notified relative to his about his/her carrier status before he he/she is admitted as a patient to assure that proper precautions are taken. A nurse, upon taking care of the case at home, shall also be informed for her his/her protection. Typhoid carriers can be admitted to long-term care facilities or day care programs after consultation with the local health authority and the Illinois Department of Public Health, at which time a care plan specific for each carrier will be developed.

46) If a A convalescent carrier wishes to may be released from modified isolation, he must submit after submitting three consecutive negative specimens of feces and urine at intervals of not less than 30 days and within 12 months of onset. These specimens Collection, testing and transport of these specimens must conform to subsections (b)(4) above.

5) If a chronic carrier desires to submit specimens of feces and urine for release, he shall go to a hospital or a place designated by the local health authority where a esophage shall be given and a specimen from the second and third bowel movement shall be sent to a laboratory of the Illinois Department of Public Health. A typhoid carrier shall not be released from observation of the rules of modified isolation until he has submitted eight successive, negative, authenticated specimens of feces and urine taken not less than 30 days apart. The specimens may not be taken within 7 days of treatment with an antibiotic or bacteriostatic agent, for whatever reason these drugs may have been prescribed. The specimens must be examined in a laboratory

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

of the Illinois Department of Public Health within 48 hours of collection. ~~The Illinois Department of Public Health reserves to itself the right of passing finally upon all evidence which it has obtained or caused to be obtained.~~

- 2) A chronic carrier may be released from modified isolation after submitting three consecutive negative specimens of feces and urine collected not less than 30 days apart. Each specimen must be authenticated and at least one specimen shall be collected after administering a saline cathartic. The post-cathartic specimen shall be collected from the second or third bowel movement after administering the cathartic. Specimens may not be taken within 48 hours of treatment with an antimicrobial agent, regardless of the reason for which the medication was prescribed. Testing and transport of specimens must conform to subsection (b)(4) of this Section.

d) Control of Contacts to a Case

- 1) ~~Typhoid vaccine shall be administered to family, household, and other residential contacts who have been or may be exposed to cases. A primary series of two injections shall be administered, followed by a booster injection of 0.5 ml. at least every 3 years.~~
- 2) ~~All contacts to cases shall submit specimens of feces and urine to a laboratory of the Illinois Department of Public Health. These specimens shall be not less than 48 hours apart, post-cathartic and authenticated. Contacts, except food handlers and individuals in sensitive occupations, shall submit two specimens of feces and urine. Providing these specimens are negative, these contacts need not be quarantined if they cease contact with the patient and cooperate with the local health authority.~~
- 3) ~~Contacts in the home who are food handlers or engaged in sensitive occupations shall discontinue their occupations until they change their residence, cease contact with the case, and submit four specimens of feces and urine as specified in subsection (d)(2) above. The local health authority may then permit them to resume their occupations provided they do not enter the premises of the case until after release from isolation of the case by the local health authority.~~
- 4) ~~Contacts who give a history of having had typhoid shall submit specimens in the same number and manner as prescribed for food handlers.~~
- 1) Contacts to a case whose most likely source of infection is travel to a foreign country (usually a developing country) within 30 days prior to onset of symptoms) are required to abide by the following.
- A) Members of households where these cases reside are not required to be tested for typhoid bacilli, except for household members who were also foreign travel companions of the case, unless the local health authority identifies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

specific risks for transmission within the household.

- B) Travel companions of such cases shall be tested, but need not restrict their occupations unless they had symptoms of typhoid fever during or subsequent to foreign travel.
- C) Travel companions who have had symptoms of typhoid fever shall not work as food handlers, in sensitive occupations or attend group day care (adult or child) until testing is completed.
- D) When testing is required in this subsection, two specimens of feces and urine shall be collected not less than 48 hours apart. Other aspects of specimen collection, transport and testing shall conform with subsection (b)(4) of this Section.
- E) If persons required to be tested according to this subsection refuse to comply within two weeks of notification with this testing requirement, they will be restricted from their occupation, school attendance or day care attendance until compliance is achieved.
- 2) In tour groups to foreign countries (usually developing countries) in which typhoid fever has occurred, all members of the tour group shall be tested (see requirements for travel companions in subsections (d)(1)(B), (b)(1)(C), (b)(1)(D) and (b)(1)(E) of this Section.
- 3) Persons living in the household of cases, whose source was in the United States, are considered contacts to typhoid fever. Other persons outside the household who have had close contact with the case at a time when they could have been the source of infection for the case, or at a time when they may have been exposed to infection by the case, are also classified as contacts to typhoid fever.
- A) Contacts must submit two consecutive negative specimens of feces and urine, need not curtail their usual activities, except they may not be employed in food handling or in sensitive occupations (see Section 690.900) or attend group day care (child or adult) until testing is completed.
- B) Collecting, testing and transport of specimens must comply with subsection (b)(4) of this Section.
- C) If persons required to be tested according to this subsection refuse to comply within two weeks of notification, they will be restricted from their occupations or school attendance until compliance is achieved.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- e) Control of Contacts to Carriers a carrier. All persons living in the household of a newly identified chronic carrier and other contacts living outside the home must submit two consecutive negative specimens of feces and urine collected, tested and transported according to subsection (b)(4) above. Persons employed in food handling or sensitive occupations shall not return to these occupations until this testing requirement has been fulfilled. Other persons need not have their usual activities curtailed. If persons required to be tested according to this subsection refuse to comply with this testing requirement within two weeks of notification, they will be restricted from their occupations, school attendance or day care (adult or child) attendance until compliance is achieved.
- 1) Typhoid vaccine shall be administered as in subsection (d)(1).
- 2) All contacts shall submit specimens as prescribed in subsection (d)(2) and (3) above. Contacts in the home who are food handlers or are engaged in sensitive occupations may resume their occupations after submitting four negative specimens of feces and urine, submitted as prescribed in subsection (d)(2) above.
- 3) Household contacts to a typhoid carrier who has not been granted modified isolation privileges shall be subject to the same restrictions as contacts to a case.
- f) Sale of Food, Milk, etc. (See Section 690.1000(f)).
- g) General Measures
- 1) Travelers to developing countries should be educated about safe food and beverage ingestion.
- 2) Protection and purification of public water supplies; construction of safe private water supplies.
- 23) Sanitary disposal of human excreta.
- 3) Pasteurization of milk and milk products and the aging of cheese for not less than 60 days at 35°F (2°C).
- 4) Supervision of other food supplies and of food handling practices.
- 5) Prevention of fly breeding.
- 6) Immunization:
- A) of persons subject to unusual exposure by reason of residence, occupation, or travel; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) of those living in areas of high endemic incidence of typhoid fever--immunization of nursing personnel is of dubious value.
- 7) Isolates of typhoid bacilli should be submitted to the Illinois Department of Public Health laboratory for phage typing. (see Exhibit A of this Part)
- 4) Laboratories are required to report to the local health authority patients from whom Salmonella typhi has been isolated.
- 5) Laboratories are required to submit isolates to the Illinois Department of Public Health laboratory for typing.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART D: DEFINITIONS

Section 690.900 Definition of Terms

For the purpose of this Part, the following shall be the accepted definitions of the terms used herein.

"Authenticated Fecal Specimen" - A specimen is considered to be authenticated when a public health authority or a person authorized by them a public health authority has observed one or more of the following:

The patient ingest a marker dye and cathartic plus the presence of the marker dye in the specimen.

The patient void the specimen.

Conditions such that none other than the case, carrier or contact could be source of the specimen.

"Carrier" - A person who, without current symptoms of a communicable disease, harbors and disseminates the specific micro-organisms; harbors a specific infectious agent in the absence of discernible clinical disease and serves as a potential source of infection.

"Case" - Any person having a recent illness due to a communicable disease.

"Contact" - Any person known to have been associated sufficiently with an infected person so as to have been exposed to infection. Any person known to have been associated sufficiently with a case or carrier of a communicable disease to have been the source of infection for that person or to have become infected by the case or carrier.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Disinfection" - ~~The destruction of the vitality of~~ process of rendering pathogenic micro-organisms ~~non-viable~~ by chemical or physical means.

Concurrent disinfection - the application of disinfection immediately after the discharge of infectious material from the body of an infected person, or after the soiling of articles with such infectious discharges, all personal contact with such discharges or articles being prevented ~~minimized~~ prior to their disinfection.

Terminal cleaning - the process of rendering the personal clothing and immediate physical environment of the patient free from the possibility of conveying the infection to others at a time when the patient is no longer a source of infection.

"Disinfestation" - Any physical or chemical process ~~by which insects (including ticks, mites and fleas) or rodents known to be capable of conveying or transmitting infection and living on the body or in and around human habitation may be destroyed upon the person or his clothing or in his environment, serving to destroy or remove undesired small animal forms, particularly arthropods or rodents, present upon the person, the clothing, or in the environment of an individual, or on domestic animals.~~

"Endemic" - ~~The frequent occurrence in a community, year after year, of cases of the same disease but in smaller numbers than epidemic occurrence.~~ The constant presence of a disease or infectious agent within a given geographic area: may also refer to the usual prevalence of a given disease within such area.

"Epidemic" - The occurrence in a community or region of a group of cases of an illness (or an outbreak) ~~the same or closely similar diseases~~ clearly in excess of ~~normal~~ expected expectancy.

"Food Handler" - A person who produces, prepares, packages or dispenses food or drink that will not be subsequently heated to cooking temperatures.

"Health Care Worker" - Any person who is employed (or volunteers their services to a health care organization) to provide direct personal services to others when health care is being delivered. This definition includes, but is not limited to, physicians, dentists, nurses, nursing assistants and laboratory technicians who have direct contact with patients.

"Isolation" - The separation during the infectious period of a person who has a communicable disease or who is a carrier of the infecting organism, or who is suspected of having such a disease or of being a carrier, from other persons in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent.

"Isolation, Modified" - A selective, partial limitation of freedom of movement that is applicable to certain specified diseases.

"Local Health Authority" The health authority (i.e., full time official health department, as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

recognized by the Illinois Department of Public Health) having jurisdiction over a particular area, including city, village, township and county boards of health and health departments and the responsible executive officers of such boards, or any person legally authorized to act for such health authority. In areas without a health department recognized by the Illinois Department of Public Health, the local health authority shall be the Illinois Department of Public Health.

"Observation" - The practice of close medical or other supervision of contacts in order to promote prompt recognition of infection or illness, but without restricting their movements.

"Premises" - That physical portion of a building or other structure and its environs so designated by the Director of the Illinois Department of Public Health, his authorized representative, or the local health authority.

"Quarantine" - The limitation of freedom of movement of such well persons, or domestic animals, as who have been exposed to a communicable disease, ~~for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent effective contact with those not so exposed.~~ case during the infectious period to prevent disease transmission during the incubation period if infection should occur.

"Sensitive Occupation" - An occupation involving the direct ~~patient~~ care ~~or care of others,~~ especially young children and the elderly, or any other occupation so designated by the Illinois Department of Public Health or the local health authority.

"Susceptible (non-immune)" - A person who is not known to have ~~been immune by natural or artificial processes to the particular communicable disease in question.~~ possess sufficient resistance against a particular pathogenic agent to prevent contracting infection or disease if or when exposed to the agent.

"Suspect case" - A person whose medical history or symptoms suggest that he or she may have or may be developing a communicable disease.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROCEDURES

Section 690.1000 General Procedures for the Control of Communicable Diseases

These procedures are intended for use in homes and similar situations. This Subpart does not apply to Sexually Transmissible Diseases. Sexually Transmissible Diseases are regulated under 77 Ill. Adm. Code 693. Hospital and long term care facility personnel will find helpful, authoritative and detailed procedures for most diseases in "CDC Guidelines for Isolation Precautions in Hospitals" as updated by "Recommendations for Prevention of HIV Transmission in Healthcare Settings" published by the Centers for Disease Control (August 21, 1987). This manual and updates are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

a) Isolation.

- 1) Establishment. Upon being informed of the existence of a case, of a carrier, or of a suspected case or carrier of a communicable disease, the local health authority having jurisdiction over the area in which the patient is located shall immediately establish isolation of the patient when such isolation for the specific disease is required by these rules and regulations. When the case, carrier, or suspected case or carrier is hospitalized, the isolation procedures shall comply with those outlined in "CDC Guidelines for Isolation Precautions in Hospitals" as updated by "Recommendations for Prevention of HIV Transmission in Healthcare Settings," published by the Centers for Disease Control (August 21, 1987).

- 2) Duration. Isolation shall be maintained for the minimum period of time required for the specific disease by these rules and by the CDC Guidelines mentioned above. When rules for specific diseases differ from the content of the CDC Guidelines mentioned above, the rules will ~~control~~ prevail.

- 3) Termination. Isolation required for the specific disease by these rules and regulations may be terminated only by the local health authority having jurisdiction over the area in which the patient is located or by the Illinois Department of Public Health.

b) Quarantine

- 1) Establishment. Quarantine of contacts to a case, a carrier, or a suspected case or carrier of a communicable disease shall immediately be established by the local health authority having jurisdiction over the area in which the contacts reside when such quarantine is required for these specific diseases: Diphtheria (Section 690.380), Plague (Section 690.570), Smallpox (Section 690.650), and Typhus fever (Section 690.730).

- 2) Duration. Quarantine of contacts shall be maintained for the minimum period of time required for the specific disease by these rules.

- 3) Termination. Quarantine may be terminated only by the local health authority having jurisdiction over the area in which the contacts reside or the Illinois Department of Public Health.

c) Investigation

- 1) Each case of communicable disease shall be investigated to determine the source, where feasible.

- 2) When two or more cases of communicable disease occur in association with a

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

common source, the investigation should include a search for additional cases.

- 3) Investigations of outbreaks shall be summarized in a final report and submitted to the Illinois Department of Public Health.

d) Placarding

- 1) Placarding is rarely, if ever, necessary, and should be considered only in unusual and compelling circumstances when isolation, quarantine, examination or treatment of a case, carrier or suspect of a communicable disease is necessary and cannot otherwise be implemented.

- 2) If placarding is determined to be necessary, the following rules shall apply:

- A) The local health authority having jurisdiction over the area in which said case, carrier or suspected case or carrier is isolated shall post a placard in a conspicuous place at each outside entrance of the premises wherein the person is isolated. (However, if the patient is isolated in a hospital in the manner prescribed by these rules, a placard need not be posted.)

- B) The placard shall be not less than six by ten inches in size, and shall have printed thereon, in letters not less than 1 1/2" in height the words "Keep Out". At the bottom of the card shall appear these words in small type: "All persons who violate these rules subject themselves to a fine not to exceed \$200.00 for each offense, or imprisonment in the county jail not to exceed six months, or both."

- C) Whenever the premises wherein contacts are under quarantine are placarded, the placard shall be as described above, except the name of the disease need not be stated.

- D) Placards shall not be concealed from public view, shall not be mutilated or defaced, and shall remain posted until the requirements of these rules relative to the duration of the period of isolation or quarantine for the specific disease have been fulfilled.

- E) Placards may be removed only by order of the local health authority having jurisdiction over the area where the case, carrier or contact is isolated or quarantined.

e) Disinfection

- 1) Concurrent disinfection as required by these rules shall be carried out.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) Disposable articles freshly soiled by discharges from the eyes, ears, nose, throat, and skin lesions shall be incinerated, if incineration is available. Otherwise, these articles shall be placed in leak-proof containers for disposal in an approved landfill.
- B) Food from the sick room shall not be used by anyone except the patient. Solid food wastes may be put in the garbage can or garbage disposal. Liquid food wastes may be emptied into the kitchen sink.
- C) Thermometers, rectal tubes, douche nozzles, etc., shall be washed with soap and water after each use. When not in use, thermometers shall be disinfected as described in subsection 690.1000(d)(2)(A).
- D) The following procedure will not be deemed necessary where public sewage disposal facilities are used or where private sewage disposal is determined by the local health authority to be adequate. In all other instances, bowel and bladder discharges shall be disinfected by adding carbolic acid or cresol or other equally effective disinfectant and stirring the mixture until all parts have been thoroughly mixed with the disinfecting agent. This mixture shall be allowed to stand, protected from flies, for 30 minutes before being discharged into a sewer, septic tank or privy vault. Solid stool shall have one pint of water added and then treated as previously described in this paragraph.
- E) Bedpans and urinals shall be cleaned using soap and water after each use.
- 2) Terminal cleaning, as required by these rules, shall be carried out at the termination of the period of isolation. Bedsteads, chairs and other parts of the room likely to come in contact with secretions shall be thoroughly cleaned with water, soap or detergent, and disinfectant.

- f) Control of Milk, Milk Products and Other Food Stuffs; 4) Whenever a case, a carrier, or a suspected case or carrier of the following diseases exists in the home of a distributor, or on any farm or dairy producing milk, cream, butter, cheese or other foods likely to be consumed raw, the sale, exchange, removal or distribution of such food items from such home, farm or dairy may be prohibited as deemed necessary by the Illinois Department of Public Health or the local health authority to prevent the transmission of communicable diseases.

- A1) Amebiasis
B2) Cholera
C) ~~Diarrhea of the newborn~~
B3) Diphtheria
B4) Enteropathogenic *E. coli* infections due to serotype O157:H7
F5) Foodborne illness (~~enterohemorrhagic infections~~)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- G6) Giardiasis
H7) Hepatitis A
I8) Hepatitis, viral unspecified
J9) Intestinal worms
K10) Salmonellosis
L11) Shigellosis
M12) Smallpox
N13) Streptococcal infections
O) ~~Tuberculosis~~
P14) Typhoid fever

- 2) ~~Exists in the home of a distributor, or on any farm or dairy producing milk, cream, butter, cheese or other foods likely to be consumed raw, the sale, exchange, removal or distribution of such food items from such home, farm or dairy may be prohibited as deemed necessary by the Illinois Department of Public Health or the local health authority to prevent the transmission of communicable diseases.~~

g) School and Day Care Centers

- 1) When a case of communicable disease occurs in a school or day care center, this fact should not be considered a reason for the facility to be closed, except in the event of a great an emergency.
- 2) Children suspected of being infected with a reportable infectious disease for which isolation is required shall be refused admittance to the facility while acute symptoms are present.
- 3) School and day care center authorities shall handle contacts of infectious disease cases in the manner prescribed in these rules and regulations, or as recommended by the local health authority.

h) Release Specimens

Whenever these rules require the submission of laboratory specimens for release from isolation or quarantine, the results of such examinations will not be accepted unless the specimens have been examined in a laboratory of the Illinois Department of Public Health or in a laboratory acceptable to the Illinois Department of Public Health for the specific tests required. To determine if a given private laboratory is acceptable, specific inquiry of the Illinois Department of Public Health laboratory must be made. The number of specimens needed for release, as detailed under specific disease, is minimum and may be increased when deemed necessary by the Illinois Department of Public Health.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

i) Hospitalization

- 1) If proper isolation of the patient cannot be accomplished in the home, hospitalization may be required by the Illinois Department of Public Health or the local health authority. Neither public health agency shall bear the cost of such hospitalization.
- 2) Every person who has a contagious or communicable disease and is ordered by the Director of the Illinois Department of Public Health or by the local health authority to be isolated in conformity with the rules of the Illinois Department of Public Health immediately comply with such order and be so isolated until such time as the Director of the Illinois Department of Public Health or local health authority shall certify him to be no longer a danger to the public health.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.1010 Incorporated Materials

a) The following materials are incorporated or referenced in this Part:

- 1) "CDC Guidelines for Isolation Precautions in Hospitals" U.S. Department of Health and Human Services (HHS), Public Health Service, Centers for Disease Control (CDC), Atlanta, Georgia 30333, HHS Publication No. (CDC) 83-8314. (1983) (See Sections 690.370, 690.570, 690.580, 690.620, 690.660, and 690.1000).
- 2) "Recommendations for Prevention of HIV Transmission in Health-Care Settings" U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control (CDC), Atlanta, Georgia, 30333, (August 21, 1987). (See Sections 690.370, 690.570, 690.580, 690.620, 690.660, 690.1000 and 690.1200(e)).
- 3) "Recommendation for Protection Against Viral Hepatitis," Recommendation of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Center for Disease Control, Atlanta, Georgia, 30333 (June 1, 1985, Vol. 34, No. 22, pages 313-324, 329-335) (See Section 690.450).
- "Protection Against Viral Hepatitis", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia, 30333 (February 9, 1990, Vol. 39, No. RR-2).
- 4) "Guidelines for Prevention of TB Transmission in Hospitals," U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia 30333. (Revised April 1983) (See Section 690.720)
- 5) "Treatment of Tuberculosis Infection in Adults and Children" (1986) and "Control of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Tuberculosis" (1983) American Thoracic Society Medical Section of the American Lung Association of Illinois, 1 South Christmas Seal Drive, Springfield, Illinois 62703). (See Section 690.720)

- 6) "General Recommendations on Immunization," Recommendation of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Center for Disease Control, Atlanta, Georgia, 30333 (January 14, 1983, Vol. 2, No. 1, pages 1-17 (See Sections 690.620(d)(1), 690.690(d)(1) and 690.750(a)).
 - 7) Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987. (See Section 690.450).
 - 8) "Diseases Transmitted by Foods", U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia, 30333 (1982, Second Edition).
 - 9) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures," (Centers for Disease Control. Morbidity and Mortality Weekly Report (MMWR), Vol. 40, No. RR-8, July 12, 1991).
 - 10) "Hepatitis B Virus: A Comprehensive Strategy for Eliminating Transmission in the United States Through Universal Childhood Vaccination", Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia, 30333, (November 22, 1991, Vol. 40, No. RR-13).
 - 11) "Haemophilus b Conjugate Vaccines for Prevention of Haemophilus influenzae Type b Disease Among Infants and Children Two Months of Age and Older," Recommendations of the Immunization Practices Advisory Committee, U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia, 30333 (January 11, 1991, Vol. 40, No. RR-1)
 - 12) "Rabies Prevention - United States, 1991" U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, Georgia 30333, (March 22, 1991, Vol. 40, No. RR-3).
- b) All citations to federal regulations in this Part concern the specified regulations in the 1987 Code of Federal Regulations, unless another date is specified.
- c) All incorporations by reference of federal regulations and the standard of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

Section 690.1200 Death of a Person Who Had a Known or Suspected Communicable Diseases

UPON THE DEATH OF A PERSON WHO HAD OR IS SUSPECTED OF HAVING AN INFECTIOUS OR COMMUNICABLE DISEASE or who was known to be a carrier or known to be subclinically infected with a disease THAT COULD BE TRANSMITTED THROUGH CONTACT WITH THE PERSON'S BODY OR BODILY FLUIDS, THE BODY SHALL BE LABELED "INFECTION HAZARD", OR WITH AN EQUIVALENT TERM TO INFORM PERSONS HAVING SUBSEQUENT CONTACT WITH THE BODY, INCLUDING ANY FUNERAL DIRECTOR OR EMBALMER, TO TAKE SUITABLE PRECAUTIONS.

a) THE LABEL SHALL BE PROMINENTLY DISPLAYED ON AND AFFIXED TO THE OUTER WRAPPING OR COVERING OF THE BODY IF THE BODY IS WRAPPED OR COVERED IN ANY MANNER.

b) RESPONSIBILITY FOR SUCH LABELING SHALL LIE WITH THE ATTENDING PHYSICIAN or coroner WHO CERTIFIES DEATH, OR IF THE DEATH OCCURS IN A HEALTH CARE FACILITY, WITH SUCH STAFF MEMBER AS MAY BE DESIGNATED BY THE ADMINISTRATOR OF THE FACILITY. (P.A. 85-682; effective January 1, 1988.)

c) Suitable precautions consist of following the guidelines of CDC "Recommendations for Prevention of HIV Transmission in Health-Care Settings." (See Section 690.1010(a)(2))

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 690.1210 Funerals (Repealed)

a) ~~When a death from smallpox has occurred, a public funeral shall not be held from the residence of the deceased. Home contacts are to remain under quarantine beyond the termination of the case. However, in such instance a private funeral from the premises may be held, provided it is attended only by the occupants of the premises and persons necessary for the conduct of the funeral.~~

b)

1) ~~Contacts under quarantine may follow the remains to the grave in a closed car provided they do not leave the car nor come in contact with any person enroute or at the cemetery.~~

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

2) ~~Following the services they shall return immediately to their home-~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 690, EXHIBIT A Typhoid Fever Agreement (Repealed)

Date _____, Ill.

Illinois Department of Public Health

Springfield, Illinois

Gentlemen:

I, _____, have this day been informed that my feces and urine contain typhoid bacilli and that, unless special precautions are taken, other persons may get typhoid fever from me, directly or indirectly. Realizing this danger, I agree to observe the precautions which are required by the Illinois Department of Public Health. However, I request that I be permitted to remain in free communication with other persons as long as I comply with certain requirements necessary for the protection of the public health. These requirements, which follow, have been made clear to me and I fully understand them:

(1) I agree not to have anything to do with the production or handling of food, milk, milk products or drinks of any kind, not with the preparation or cooking of foods which are to be consumed by others, not to serve as an attendant in any capacity that would require the same (nurses, etc.). I agree to wash my hands thoroughly with soap and water before each meal and come as little as possible in contact with food that is consumed by others. Likewise, I agree not to go to the icebox or refrigerator in which food to be consumed by others is kept. (This rule need not apply to the housewife, who is a carrier, thirty days after all members of her family have been immunized with the recommended primary immunization against typhoid, or have received a booster injection within the past three years. It shall be provided and agreed that the housewife will not cook or serve food to others than her immediate immunized family. The housewife agrees not to served food to visitors.)

(2) I agree that all dejecta (feces and urine) not passed into a toilet flushed with water and connected with the city sewer or a properly functioning, privately maintained septic system will be disinfected by me with a good disinfectant solution, such as chloride of lime, carbolic acid or cresol. I also agree to have readily available an adequate supply of suitable disinfectant for disinfecting any dejecta when a flush closet is not accessible. If I have an outdoor toilet, I agree to make it leak-proof and fly proof.

(3) I agree to take every precaution possible to avoid soiling, either directly or indirectly, my hands or anything else with my dejecta. I agree to disinfect my underclothing with a suitable liquid disinfectant before sending it to the laundry.

(4) Each time after using the toilet, I agree to wash my hands with plenty of soap and water and to dry my hands well. Also, I agree not to permit others to use my soap and towels.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(5) I agree not to bathe in any pool or other body of water frequented by other persons.

(6) I agree to inform the local health authority and the Illinois Department of Public Health at Springfield of any contemplated change from my present address at least two weeks prior to the move.

(7) If I violate any of the above restrictions or endanger the public health in any way, I understand that I shall lose the privileges granted me under this modified isolation, that I shall be isolated, that the premises will be placarded and that I shall be subject to prosecution.

(8) I understand that I shall be subject to contact by a representative of the Illinois Department of Public Health to ascertain whether or not I have lived up to the restrictions imposed by the agreement, which I hereby sign:

Signed _____
(Patient)

Permission is hereby granted to _____ to mingle with the public at large and to resume his or her usual occupation as _____ (but not as a food handler or caring for the ill, the elderly, or the very young, other than members of his or her household, or other occupations which may in the future be designated), as long as he or she complies with the foregoing restrictions.

Signed _____
(Title)

Health Jurisdiction _____
Dated _____

Approved _____
Illinois Department of Public Health

Dated _____

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Pick (N) Pools

2) Code Citation: 11 Ill. Adm. Code 308

<u>Section Numbers:</u>	<u>Proposed Action:</u>
308.10	New Section
308.20	New Section
308.30	New Section
308.40	New Section
308.50	New Section
308.60	New Section
308.70	New Section
308.80	New Section
308.90	New Section

4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

5) A complete description of the subjects and issues involved: This rulemaking outlines the Pick (n) wager and incorporates the uniform rules of the Association of Racing Commissioners International.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 1-18-94

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 308

PICK (N) POOLS

<u>Section</u>	<u>Pick (n)</u>
308.10	Pool Calculations
308.20	Dead Heats
308.30	Scratches
308.40	Cancellation of Races
308.50	Carryover Cap
308.60	Mandatory Distribution
308.70	Disclosure
308.80	Pick Three Pools
308.90	

AUTHORITY: Implementing and authorized by paragraph 5/9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 308.10 Pick (n)

The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The organization licensee shall designate the number of contests for the Pick (n) and the method for pool calculation prior to the start of its meet. The organization licensee shall submit, in writing, its intent to offer the Pick (n) wager to the State Director of Mutuels no later than 30 days prior to the start of its meet.

Section 308.20 Pool Calculations

The organization licensee may select one of the following methods for conducting its Pick (n) pool. As used in this Part, "Major Pool" is defined as seventy-five (75%) of the daily net pool; and "Minor Pool" is defined as twenty-five (25%) of the daily net pool. Any deviation from the Major/Minor pool percentage division must be approved by the State Director of Mutuels.

a) Method 1, Pick (n) with Carryover: The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.

b) Method 2, Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.

c) Method 3, Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

d) Method 4, Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

e) Method 5, Pick (n) with Minor Pool and No Carryover: The major share of net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

Section 308.30 Dead Heats

If there is a dead heat for first in any of the Pick (n) contests involving:

- a) contestants representing the same betting interest, the Pick (n) pool shall be distributed as if no dead heat occurred.
- b) contestants representing two or more betting interests, the Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

Section 308.40 Scratches

Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizer shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Section 308.50 Cancellation of Races

- a) The Pick (n) pool shall be cancelled and all Pick (n) wagers for the individual performance shall be refunded if:
- 1) at least two contests included as part of a Pick 3 are cancelled or declared "no contest".
 - 2) at least three contests included as part of a Pick 4 or Pick 5 are cancelled or declared "no contest".
 - 3) at least four contests included as part of a Pick 6 or Pick 7 are cancelled or declared "no contest".
 - 4) at least five contests included as part of a Pick 8 or Pick 9 are cancelled or declared "no contest".
 - 5) at least six contests included as part of a Pick 10 or Pick 11 are cancelled or declared "no contest".
- b) If at least one contest included as part of a Pick (n) is cancelled or declared "no contest", but not more than the number specified in subsection (a), the net pool shall be distributed as a single price pool to those whose selection finishes first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.

Section 308.60 Carryover Cap

The Pick (n) carryover may be capped at a designated level approved by the State Director of Mutuels so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under Section 308.70. After the Pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.

Section 308.70 Mandatory Distribution

- a) A written request for permission to distribute the Pick (n) carryover on a specific performance may be substituted to the State Director of Mutuels. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- b) Should the Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a).
- 2) Upon written approval from the State Director of Mutuels when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.
- 3) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track.
- c) If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the State Director of Mutuels. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance designated by the State Director of Mutuels.
- d) With written approval of the Board, the organization licensee may contribute to the Pick (n) carryover a sum of money up to any designated cap.

Section 308.80 Disclosure

The organization licensee may display potential distribution to ticket holders depending on the outcome of the appropriate Pick (n) contest.

Section 308.90 Pick Three Pools

- a) The Pick Three requires selection of the first-place finisher in each of three specified contests.
- b) The net Pick Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311

<u>Section Numbers:</u>	311.10	<u>Proposed Action:</u>	New Section
	311.20		New Section
	311.30		New Section
	311.40		New Section
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking establishes the Superfecta wagering pool.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which Interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 1-18-94
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
- 2) As a single price pool to those who selected first-place finisher in any two of the three contests; but if there are no such wagers, then
- 3) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
- 4) The entire pool shall be refunded on Pick Three wagers for those contests.
- c) If there is a dead heat for first in any if the three contests involving:
 - 1) contestants representing the same betting interest, the Pick Three pool shall be distributed as if no dead heat occurred.
 - 2) contestants representing two or more betting interests, the Pick Three pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- d) Should a betting interest in any of the Pick Three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
- e) If two or three Pick Three contests are cancelled or declared "no contest", the entire pool shall be refunded on Pick Three wagers for those contests.
- f) If one of the Pick Three contests is cancelled or declared "no contest", the Pick Three pool will remain valid and shall be distributed in accordance with subsection (b)(2).

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 311
 SUPERFECTA

Section

311.10 Superfecta
 311.20 Pool Distribution
 311.30 Dead Heats
 311.40 Entries and Fields

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)) [230 ILCS 5/9(b)].

SOURCE: Added at 18 Ill. Reg. _____, effective _____.

Section 311.10 Superfecta

The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.

Section 311.20 Pool Distribution

a) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- 1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
- 2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
- 3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
- 4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

5) The entire pool shall be refunded on Superfecta wagers for that contest.

b) If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

Section 311.30 Dead Heats

a) If there is a dead heat for first involving:

1) contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

2) contestants representing three betting interests, all of the wagering combinations selecting the three dead heated betting interests, irrespective of order, along with the fourth place betting interest shall share in a profit split.

3) contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the third place and fourth place betting interests shall share in a profit split.

b) If there is a dead heat for second involving:

1) contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

2) contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead heated betting interests, irrespective of order, and the fourth place betting interests shall share in a profit split.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

c) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

d) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

Section 311.40 Entries and Fields

Coupled entries and mutuel fields shall be prohibited in Superfecta contests.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Public Use of DORS Facilities
- 2) Code Citation: 89 Ill. Adm. Code 546
- 3) Section Numbers: Proposed Action:
546.10 New Section
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(f) and (k)) [20 ILCS 2405/3], authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16), [20 ILCS 5/16].
- 5) A Complete Description of the Subjects and Issues involved: This is a new rule developed to address the requests DORS receives to use meeting rooms, gymnasiums, and various other facilities by the public. Subsection 546.10 a) details the conditions that must be met prior to granting a request for the use of a DORS Facility. Subsection b) deals with the liability issue. Subsection c) details the responsibilities of the individual(s) expenses, and liabilities resulting from the use of the Facility.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Section Numbers Proposed Action Illinois Register Citation
Statement of Statewide Policy Objectives (if applicable):
This is not applicable to this Rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY/TTD: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
SUBTITLE A: GENERAL PROGRAM PROVISIONS
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

PART 546
PUBLIC USE OF DORS FACILITIES

Section
546.10 Public Use of DORS Facilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(f) and (k)) [20 ILCS 2405/3], authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16), [20 ILCS 5/16].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____).

Section 546.10 Public Use of DORS Facilities

- a) DORS operated facilities may be used by persons groups or organizations at the discretion of DORS and under the following conditions:

- 1) a request to use a facility should be submitted in writing to the Superintendent/Office Manager of that facility at least two weeks in advance of the requested date(s); the request must detail the intended use and specify the part or parts of the facility needed;
- 2) the activity and reservation time must be approved, in writing, by the school Superintendent/Office Manager or his/her designee;
- 3) groups and organizations must designate an adult who is responsible for the group or organization;
- 4) the requestor(s) shall adhere to guidelines and regulations established by DORS concerning conduct and activities while on the premises and agree that its activities will not interfere with normal operations of the DORS facility;
- 5) the requestor(s) must sign an agreement prior to utilizing the facility which indicates;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- A) compliance with applicable State laws prohibiting the use of alcoholic beverages, illegal drugs, fireworks, explosives, guns, weapons and gambling on State property;
 - B) agreement to return the facility to the condition it was in prior to the group's use, and if any cleanup expense is incurred by DORS it will result in fees being charged to the group or responsible person. The school Superintendent/Office Manager or his/her designee will determine if this requirement has been met by the person, group or organization; and
 - C) understanding that DORS will not provide security.
- 6) proposed use of the facility shall not conflict with the provision of any lease held by DORS; and
 - 7) any requestor(s) using the facility must pay all activity expenses incurred directly and not through DORS.

b) The requestor(s) shall indemnify and hold harmless DORS and the State of Illinois for any loss DORS or the State may sustain related to the use of Facility by the person, group or organization. The person, group or organization will be asked to demonstrate it has liability insurance that is adequate for the type of event it is conducting and be asked to name DORS as an additional insured on its insurance policy. The Superintendent/Office Manager shall determine the amount and type of insurance required based on the type of activity and number of people to be involved. Any questions regarding type and amount of coverage shall be referred to DORS Legal Division for final determination.

c) Requestor(s) using a DORS' facility shall not damage, deface, destroy, remove or injure in any way that State property being used. All persons, organizations, and groups will be responsible for all costs, expenses, damages and liability resulting from such damage, defacement, destruction, removal or other injury to State property.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- d) DORS may contract with local election boards to allow use of its facilities as accessible polling places during local, state, and national elections. These agreements will be entered into at the discretion of the Director if such use does not violate any local agreements and/or leases DORS may have for that property.

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Real Estate Transfer Tax
- 2) Code Citation: 86 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.10 Amendment
- 4) Statutory Authority: Section 3 of the Real Estate Transfer Tax Act [35 ILCS 305/3].

5) A Complete Description of the Subjects and Issues Involved: The Real Estate Transfer Tax Act is a tax imposed upon the privilege of transferring title to real estate. To pay the tax, a person must purchase the appropriate number of revenue stamps from the County Recorder or Registrar of Titles. The Department prescribes the design, denomination and form of the stamps, and sells the stamps to the County Recorder or Registrar of Titles. Currently, regulations indicate that the denomination of the stamps ranges from \$0.25 to \$1,000.00. The proposed regulation will permit the Department to issue stamps in denominations of from \$0.25 to \$50,000.00. By making denomination amounts greater, less stamps will be required for any given transaction.

6) Will this proposed rule replace an emergency rule currently in effect:
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?
No.

9) Are there any other proposed amendments pending on this Part: No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Stanley T. Cichowski
Deputy General Counsel
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-7054

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
A) Types of small businesses affected: This rulemaking does not affect small businesses.
B) Reporting, bookkeeping or other procedures required for compliance: None.
C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 120
REAL ESTATE TRANSFER TAX

Section
120.10 Procedure
120.20 Interpretations

AUTHORITY: Implementing and authorized by the Real Estate Transfer Tax Act (~~Ill. Rev. Stat.~~ 1983, ~~ch. 120, pars. 1001-et seq.~~) [35 ILCS 305/3]

SOURCE: Filed and effective August 26, 1971, codified at 8 Ill. Reg. 11465; amended at 9 Ill. Reg. 7938, effective May 14, 1985; amended at ____ Ill. Reg. ____, effective ____.

Section 120.10 Procedure

- a) The Department of Revenue shall issue Revenue Stamps resembling postage-type stamps in the denominations of \$0.25 to ~~\$1,000.00~~ \$50,000.00.
- b) Recorders of Deeds and Registrars of Titles are hereby authorized to dispense Revenue Stamps by single stamp imprints produced by stamping machines. Meter settings for stamping machines shall be set by the Department of Revenue.
- c) Sales of postage-type stamps and metered settings for single stamp imprints produced by stamping machines will be conducted at the Department of Revenue's distribution centers in Chicago and Springfield. Only metered settings for single stamp imprints will be sold through District Offices. All stamps shall be coded according to counties.
- d) Purchases of postage-type stamps and metered settings for single stamp imprints shall be made on Illinois Department of Revenue Order Invoice Form RLG-1 which shall be signed by an authorized county official.
- e) All Order Invoice Forms for stamps or metered settings shall be accompanied by official checks which shall be signed by authorized county officials and which shall be in full payment of the invoice amount.
- f) Credit or refunds may be given by the Recorders of Deeds or the Registrars of Titles to their purchasers on Illinois Department of Revenue Form RLG-3 for stamps proven to have been mistakenly

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

used or mutilated. The Form shall be signed by the authorized county official and shall be used as credit at the time of stamp purchases or metered settings.

- 1) Form RLG-3 shall also be used for claim for credit for stamps which can be proven to have been mistakenly issued or mutilated by the Recorder of Deeds or the Registrars of Titles, and shall be used as credit at the time of stamp purchases or metered settings.
 - 2) All claims for credit and required proof must accompany Order Invoice Form RLG-1 if credit is to be allowed.
- Revenue stamps, in the required amount, must be purchased from authorized officers, or their representatives, of the county where the deed is to be filed for recordation.
- g) In the event that property transferred is located in more than one county, the declaration of value form (P.T.A.B.-203) provided by the Department of Revenue shall indicate the proration of the property within each county to determine the required amount of revenue stamps to be purchased from each county. The division is to be made in such manner so that the total equals the full consideration. The revenue stamps for each county will be determined on the proration.
 - h) When the owner of any land conveys an interest in real estate (such as mining rights or royalty) by deed, the deed shall have the required amount of revenue stamps affixed thereto.
 - i) Declarations are not required to accompany deeds where there is an actual exchange of real estate. Revenue Stamps shall, however, be affixed to the deed for any difference in money paid or for the value of any personal property which is in addition to such real estate exchange.
 - j) Forms RLG-1, RLG-3, RLG-4 and other forms which may be issued pursuant to these Rules may be obtained from the Illinois Department of Revenue distribution center in Springfield.
 - k)

(Source: Amended at 18 Ill. Reg. ____, effective ____.)

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Business Corporation Act
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3) Section Number
150.470 Proposed Action
Amendment
- 4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, pars. 1.01 et seq.) (805 ILCS 5).
- 5) A Complete Description of the Subjects and Issues Involved:
Determination of availability of corporate names: as affected by statutory amendment to 805 ILCS 5/4.05. Effective January 1, 1994 the amended section now provides per application of different procedural standards for the determination of proposed corporate names.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference?
No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, Illinois 62756
- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 150
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section	
150.10	Applicability
150.20	Definitions
150.30	Right to Counsel
150.40	Appearance of Attorney
150.50	Special Appearance
150.60	Substitution of Parties or Attorneys
150.70	Commencement of Action; Notice of Hearing
150.80	Motions
150.90	Form of Papers
150.100	Conduct of Hearings
150.110	Record of Hearings
150.120	Invalidity
SUBPART B: SALE AND RELEASE OF INFORMATION	
Section	
150.200	Annual List of Corporations
150.210	Monthly List of Corporations
150.220	Daily List of Corporations
150.230	Computer Access to Information
150.240	Abstracts of Corporate Record
150.250	Invalidity
SUBPART C: PERSONS, FEES, CONNECTIONS, AMENDMENTS, OBJECTIONS, AND OTHER RELIEF	
Section	
150.400	Errors or Defects
150.405	Financial Data as Support Documentation
150.310	Invalidity

SUBPART D: NAMES

Section	
150.400	Preliminary Determination of Availability
150.405	Final Determination of Availability
150.410	Reliance as to Basis of Unavailability

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

150.415 Reconsideration Procedure
 150.420 Effect of Final Determination
 150.430 Availability of Names: Statutory Requirements
 150.435 Standards - Conflicting Names
 150.440 Distinguishable - Defined
 150.445 Matters not Considered
 150.450 Significant Differences
 150.455 Surnames
 150.460 Alphabet Names
 150.465 Government Affiliation
 150.470 Restricted and Professional Words
 150.475 Acceptable Characters of Print
 150.480 Invalidity

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section
 150.500 Preamble
 150.510 Manner of Service
 150.520 Place of Service
 150.530 Payment of Fees
 150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section
 150.600 Payment of Fees, Franchise Tax and License Fee
 150.610 Definitions
 150.620 Annual Report
 150.621 Confidentiality of Annual Report Financial Data
 150.630 Shares Having a Par Value
 150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
 150.700 Interpretive Comments Applicable Generally
 150.705 Paid-in Capital
 150.710 Advice to the Public
 150.720 Incorporating Licensed Professionals

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, pars. 1.01 et seq.) {805 ILCS 5}

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

NOTE: Statutory language is denoted by capital letters
 Section 150.470 Restricted and Professional Words

a) Words which are subject to restrictions on their use in a corporate name include, but are not limited to, the following and any variation thereof: Trust, Pawners, Cooperative, Housing, Architecture, Engineering, Accounting, Insurance, Medicine, Law, Surveying, Psychology, Bank, Bankers, Banking, Union, Surety, Underwriters, Assurance, Reinsurance, Indemnity, Casualty, Guaranty, Gaurantee, Guarantor, Trustee and Fiduciary or any other prohibited term ~~Esrow, or any licensed professional services.~~

b) However, "Banks", "Banker", or "Banking" may be used in a corporate name if, at the time of filing of the articles of incorporation, application for certificate of authority by a foreign corporation, or an amendment to either of these documents to change the corporate name, the corporation or incorporators give the Department a letter signed by the Commissioner of Banks and Trusts of Illinois granting permission to use these words, pursuant to the standards set forth in the Illinois Banking Act, Section 46. (Ill. Rev. Stat. 1991, ch. 17, par. 357) {205 ILCS 5/46}.

1) The corporation using any of these aforementioned words must not be engaged in the banking business, but may be a bank holding company.

2) The use of these words shall be allowed if the corporation is not doing financial business and the otherwise prohibited word is a person's proper name, e.g. "Robert Banks".

c) The Department will prohibit the incorporation of corporations which seek to use names or have purposes which violate Section 3.05 and 4.05(a)(2) of the Act. This prohibition does not apply to names or purposes specifically authorized by these rules.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Numbers: Proposed Action

1040.43 Amendment

4) Statutory Authority: Sections 6-201 et seq. and 6-700 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-201 et seq. and 6-700 et seq.) [625 ILCS 5/6-201 et seq. and 5/6-700 et seq.] and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-100 et seq.) [625 ILCS 5/6-100 et seq.].

5) A Complete Description of the Subjects and Issues Involved: This proposed rule is amended to implement Public Act 88-0209 which establishes driver's license sanctions for individuals less than 21 years of age who are convicted of the offense of illegal transportation of alcohol as a driver.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part?

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section 1040.10 Court to Forward Licenses and Reports of Convictions
- 1040.20 Illinois Offense Table
- 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
- 1040.30 3 or More Traffic Offenses Within 12 Months
- 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
- 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
- 1040.35 Commission of an Offense Requiring Mandatory Revocation upon Conviction
- 1040.38 Commission of a Traffic Offense in Another State
- 1040.40 Repeated Convictions or Collisions
- 1040.41 Suspension of Licenses for Curfew Violations
- 1040.42 Fleeing and Eluding
- 1040.43 Illegal Transportation
- 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations
- 1040.48 Vehicle Emission Suspensions
- 1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 National Driver Register
- 1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) [625 ILCS 5/6-201 et seq. and 6-700 et seq.] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984;

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 2128, effective February 19, 1993; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 1040.43 Illegal Transportation

a) For purposes of this Section, the following definitions shall apply:

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture or default as defined in Section 6-100(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100(b)) [625 ILCS 5/6-100(b)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Miscellaneous Suspensions" - suspensions for safety responsibility, financial responsibility, unsatisfied judgment, warrant parking/traffic ticket, auto emissions, failure to appear, or curfew.

"Open or Pending Revocation" - revocation which has not terminated.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highway which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- d) Excluding a suspension under subsection (b) only convictions for arrests which occur on or after January 1986 will be considered. For the purposes of imposing a sanction pursuant to subsection (b) only convictions for arrests which occur on or after January 1, 1994 shall be considered.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

the expiration of at least one year after the date of the revocation as provided in Section 1-176 of the Illinois Vehicle Code (Ill. Rev. Stat. 190791, ch. 95 1/2, par. 1-176)[625 ILCS 5/1-176].

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code (Ill. Rev. Stat. 190791, ch. 95 1/2, par. 1-204)[625 ILCS 5/1-204].

- b) If a person who is under 21 years of age at the time of arrest is convicted of illegal transportation of alcohol by a driver, the Department shall suspend his/her driving privileges for twelve (12) months. Only arrests which occur on or after January 1, 1994 shall be considered.

- b) An individual who has two (2) or more convictions, regardless of age at the time of arrest, and whose arrest dates fall within any twelve (12) month period, for illegal transportation of alcohol as a driver, shall have his/her driving privileges suspended or revoked by the Department.

- ø1) In reviewing an individual's driving record for illegal transportation convictions, only those illegal transportation convictions with arrest dates on or after January 1, 1986, shall be considered.

- ø2) If a person's record contains no prior suspensions or revocations and two (2) convictions whose arrest dates fall within any twelve (12) month period for illegal transportation, regardless of age at the time of arrest, the Department shall suspend his/her driving privileges for twelve (12) months. A third conviction or subsequent conviction within the same twelve (12) month period shall result in the person's driving privileges being revoked by the Department.

- ø3) If a person's record contains one (1) or more prior suspensions or revocations (excluding miscellaneous suspensions of ~~14~~ or suspensions as a result of subsection (b) above) within seven (7) years from the effective date of the suspension or revocation in addition to two (2) convictions for illegal transportation, regardless of age at the time of arrest, and the arrest dates fall within any twelve (12) month period, the Department shall revoke his/her driving privileges.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section numbers:
 Proposed Action:
 2760.30 Amended
 2760.40 Amended
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT) during his or her last year of high school. These test scores, in conjunction with high school records, are used to determine eligibility for designation as a State Scholar. Unfortunately, the two test batteries measure different psychological constructs. The ACT exam is a curriculum-based test of educational development (knowledge & higher order thinking). The SAT, in contrast, is not curriculum-based but measures general verbal (V) and mathematical (M) aptitudes (readiness to learn). Preferably, ACT and SAT scores should be interpreted separately but due to the costs of developing separate standards for use with each exam, a concordance table is used instead.

The current ACT/SAT concordance (or equivalency) table, which appears in Section 2760.30(e)(2), has been used by ISAC since 1980. The table is used to relate ACT composite scores with SAT scores. One reason for weighing the verbal section more in the SAT is to equalize the value of math between the two exams. In October of 1989, ACT developed an enhanced version of the exam which outdated the concordance table used by ISAC, as well as every other concordance table developed before this time. Even though the score scale range is still 1 to 36, the individual scores have different meanings. Therefore, the concordance table embodied in Section 2760.30(e)(2) has been replaced with a more current version.

Additionally, a client suggested there might be a typographical error in the table used to convert a percentile class rank to the Illinois Standard Rank Score. Upon extensive research by ISAC staff, it was determined that one typographical error might have occurred in the June 1981 version of ISAC rules. Further, it was discovered that other ranges are in error by

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

0.01 percent, possibly because the tables were originally constructed by hand instead of by computer. Hence, ISAC has updated the conversion table which appears in Section 2760.30(f)(2) to correct a previous typographical error, as well as some old rounding errors that could have resulted from hand calculations.

Finally, Section 2760.40(b) has been amended to reflect the fact that congratulatory letters are issued for each State Scholar and are then forwarded to high schools for distribution at student recognition ceremonies. Additionally, Section 2760.40(c) has been changed to show that State Scholar listings are made available upon request to interested parties and because copies are automatically sent to high schools.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section

2760.5 Summary and Purpose

2760.10 Selection Criteria

2760.30 Testing and Class Ranking of Students to be Considered for Program

2760.40 Other Information

AUTHORITY: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____, 1994.

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

- a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT), during his/her fifth or sixth semester. Students planning to graduate in other than the traditional four years must take such examination in an equivalent term; e.g., the three-year graduate must take the examination in the third or fourth semester.

- 1) A student may take either or both examinations during the designated period.
- 2) All scores from such tests taken during the designated period must be submitted to ISAC.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.

- 4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.

- 5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.

- b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.

- c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (a) and (b).

- d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.

- 1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example:	Class Rank	GPA
1	1	99.3
2	2	98.9
2	2	98.9
4	4	98.1
5	5	97.9
5	5	97.9
7	7	97.4

- 2) The equivalent Term rank shall be provided for students planning to graduate in other than the traditional four years; for example, class ranks for three-year graduates shall be as determined at the conclusion of the fourth semester.

- e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:

- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

26	1070 to 1100	26
25	1030 to 1060	25
24	990 to 1020	24
23	950 to 980	23
22	910 to 940	22
21	860 to 900	21
20	820 to 850	20
19	770 to 810	19
18	720 to 760	18
17	680 to 710	17
16	630 to 670	16
15	580 to 620	15
14	540 to 570	14
13	500 to 530	13
12	460 to 490	12
11	430 to 450	11
10	410 to 420	10
9	400	9

f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:
Percentile = [Size of Class MINUS (Rank in Class minus .5)] divided by Size of Class

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75---	99.99-----30
99.53---	99.74-----29
99.19---	99.52-----28
98.62---	99.18-----27
97.79---	98.61-----26
96.41---	97.78-----25
94.53---	96.40-----24
91.93---	94.52-----23
85.90---	91.92-----22
84.14---	85.49-----21
78.82---	84.13-----20
72.98---	78.81-----19
65.56---	72.57-----18
57.93---	65.55-----17
50.00---	57.92-----16

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 2) The Scholastic Aptitude Test Scores shall become the Illinois Standard Test Score by adding the SAT verbal and math scores after first multiplying the SAT verbal score by 2, adding that result to the SAT math score, then using the table below to determine the ACT equivalent score for SAT-2V+M.

Illinois Standard Test Score Table

Illinois Standard Score	SAT 2V+M V + M	ACT Composite
36-----	2280 to 2400	36-----
35-----	2200 to 2270	35-----
34-----	2090 to 2190	34-----
33-----	2000 to 2080	33-----
32-----	1920 to 1990	32-----
31-----	1830 to 1910	31-----
30-----	1750 to 1820	30-----
29-----	1680 to 1740	29-----
28-----	1610 to 1670	28-----
27-----	1550 to 1600	27-----
26-----	1480 to 1540	26-----
25-----	1430 to 1470	25-----
24-----	1380 to 1420	24-----
23-----	1340 to 1370	23-----
22-----	1300 to 1330	22-----
21-----	1250 to 1290	21-----
20-----	1210 to 1240	20-----
19-----	1170 to 1200	19-----
18-----	1140 to 1160	18-----
17-----	1100 to 1130	17-----
16-----	1060 to 1090	16-----
15-----	1010 to 1050	15-----
14-----	960 to 1000	14-----
13-----	910 to 950	13-----
12-----	870 to 900	12-----
11-----	820 to 860	11-----
10-----	810 and below	10-----
9-----	1550 to 1600	9-----
36	1490 to 1540	36
35	1440 to 1480	35
34	1380 to 1430	34
33	1330 to 1370	33
32	1290 to 1320	32
31	1240 to 1280	31
30	1200 to 1230	30
29	1160 to 1190	29
28	1110 to 1150	28
27		27

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

d) If an appeal concerning an Applicant's eligibility is received, ISAC shall request the high school to verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.

(Source: Amended at 18 Ill. Reg. _____, effective _____, 1994)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.

h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.

i) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination.

(Source: Amended at 18 Ill. Reg. _____, effective _____, 1994)

Section 2760.40 Other Information

a) High School officials or student candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)

b) A Certificate of Achievement and congratulatory letter are issued for each State Scholar.

c) A listing of State Scholars shall be available upon request to colleges, high schools, members of the General Assembly, and to the media.

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Floodway Construction in Northeastern Illinois
- 2) Code Citation: 92 Ill. Adm. Code 708
- 3) Section Numbers:

708.60	<u>Proposed Action:</u>
708.70	Amend
	Amend
- 4) Statutory Authority: 615 ILCS 5/189
- 5) A complete description of the subjects and issues involved:

This proposed rulemaking amends a requirement at Section 708.60 that studies to define a regulatory floodway be based on anticipated future land use in the watershed. Under the proposed amendment, the Department encourages, but no longer requires, that future land use in the watershed be utilized in determining the 100-year frequency flood event to be used in defining the regulatory floodway. The amendment further clarifies that, if future land use is utilized in the study, the projected future land use should be based on an adopted local or regional plan.

This proposed rulemaking also amends the list of appropriate uses of designated floodways listed in Section 708.70. The existing list of appropriate uses includes parking lots at or below grade only where the depth of flooding at the 100-year frequency event is one foot or less. The proposed amendment allows parking lots subject to a greater depth of flooding to be built if the parking lot is to be used for a short-term outdoor recreational use. Additionally, the applicant must agree to restrict access during flooding events and agree to accept liability for damages caused by vehicular access during a flood. This amendment also clarifies that aircraft parking aprons are appropriate uses only when built at or below ground elevation and where the depth of flooding at the 100-year frequency event is one foot or less.

Finally, this rulemaking amends Section 708.70 (d)(12) by clarifying that public flood control projects referred to in this subsection are those defined in Section 708.20, "Definitions."
- 6) Will the proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other amendments pending on this Part? No
 - 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government except to allow (not require) amendments to their floodplain ordinances to be consistent with the amended rule and, possibly, allow the development of certain short-term outdoor recreational use parking lots which the existing rule does not allow.
 - 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

Mr. David R. Boyce, P.E.
Chief, Floodplain Management Section
Department of Transportation
Division of Water Resources
P. O. Box 19484
Springfield, Illinois 62794-9484
 - 12) Initial Regulatory Flexibility Analysis: The proposed amendment does not affect small businesses except to allow greater flexibility in the development of parking lots associated with short-term outdoor recreational uses and to provide greater flexibility in assumptions used in the development of flood studies to define regulatory floodways.
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER I: WATER RESOURCES

PART 708
FLOODWAY CONSTRUCTION IN NORTHEASTERN ILLINOIS

Section	Purpose
708.10	Definitions
708.20	Jurisdiction
708.30	General Provisions
708.40	Regulatory Floodway Maps
708.50	Delineation of the Regulatory Floodway
708.60	Permitting Appropriate Uses of the Regulatory Floodway
708.70	Changes to the Regulatory Floodway
708.80	Delegation to Municipalities and Counties
708.90	Violations
708.100	Permit Application
708.110	Public Notice
708.120	Public Hearings
708.130	Time to Permit Issuance; Emergency Authorizations;
708.140	Duration; Revisions
708.150	Permit Conditions
708.160	General Permits
708.170	Regional Permits
708.180	Final Administrative Decisions
708.190	Effective Date

AUTHORITY: Implementing and authorized by Section 18g of "AN ACT in relation to the regulation of the rivers, lakes and streams of the State of Illinois" (Ill. Rev. Stat. 1987, ch. 19, par. 65g) [615 ILCS 5/18g].

SOURCE: Adopted at 12 Ill. Reg. 20547, effective November 29, 1988; amended at 13 Ill. Reg. 8667, effective May 23, 1989; amended at 16 Ill. Reg. 194, effective December 19, 1991; amended at _____, Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 708.60 Delineation of the Regulatory Floodway

- a) The regulatory floodway is defined based on a flood event that has a one percent chance of occurring in any given year or an expected 100-year recurrence interval. The Department encourages, but does not require, that the 100-year frequency flood event be determined based on anticipated future land use in the watershed.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

When utilized, the anticipated future land use should be based on adopted local ~~and~~ regional land use plans.

- b) The boundary of the regulatory floodway is portrayed on Department regulatory floodway maps. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the Division should be contacted for the interpretation.
- c) The regulatory floodway boundaries are determined by hydraulic and hydrologic analyses, which calculate that portion of the flood plain which must be preserved to store and discharge floodwaters without causing damaging or potentially damaging increases in flood stage and flood velocities or loss of flood storage which would result singularly or cumulatively in more than a 0.1 foot increase in flood stage or a 10% increase in velocity.
- d) The need to preserve storage when defining the regulatory floodway will be waived by the Department if all the municipalities and counties along a hydraulically significant portion of the watershed require effective compensatory storage for all construction and fill in the 100-year frequency flood plain. Effective compensatory storage requires flood plain storage volumes be replaced at the same flood frequency event as previously existed. Additionally, legal assurances such as easements must be provided so that the compensatory storage site will remain open to the stream system in order to allow flood waters to reach it.
- e) Determination of the flood elevation at any point along the stream shall be made from the flood profile.

All elevations shown on the regulatory floodway map and on the associated flood profiles shall refer to Mean Sea Level (1929 adjustment).

(Source: Amended at _____ Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Section 708.70 Permitting Appropriate Uses of the Regulatory Floodway

a) The Department will issue permits for appropriate uses of the regulatory floodway of which PERIODIC INUNDATION WILL NOT POSE A DANGER TO THE GENERAL HEALTH AND WELFARE OF THE USER OR REQUIRE THE EXPENDITURE OF PUBLIC FUNDS OR THE PROVISIONS OF PUBLIC RESOURCES OR DISASTER RELIEF SERVICES, (Section 18g of the Act) or result in increased flood stages due to the singular or cumulative loss of regulatory floodway storage or regulatory floodway conveyance or increase in flood velocities.

b) To receive a permit for work in the regulatory floodway, the proposed construction shall meet two criteria:

- 1) The proposed construction shall be an appropriate use of the regulatory floodway as defined in this subsection (c); and
- 2) The proposed construction shall not reduce the regulatory floodway storage or conveyance and shall not increase regulatory floodway velocities.

c) Appropriate uses of the regulatory floodway that will be considered for permit issuance consist of construction, modification, repair, or replacement of:

- 1) FLOOD CONTROL STRUCTURES, DIKES, DAMS AND OTHER PUBLIC WORKS OR PRIVATE IMPROVEMENTS RELATING TO THE CONTROL OF DRAINAGE, FLOODING OR EROSION (Section 18g of the Act) or water quality or habitat for fish and wildlife (e.g. Section 708.80(a)(3) and Section 708.80(a)(4));
- 2) STRUCTURES OR FACILITIES RELATING TO THE USE OF, OR REQUIRING ACCESS TO, THE WATER OR SHORELINE, SUCH AS PUMPING AND TREATMENT FACILITIES, AND FACILITIES AND IMPROVEMENTS RELATED TO RECREATIONAL BOATING, COMMERCIAL SHIPPING AND OTHER FUNCTIONALLY DEPENDENT USES (Section 18g of the Act);
- 3) Storm and sanitary sewer outfalls;
- 4) Underground and overhead utilities;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

5) Recreational facilities such as playing fields and trail systems including any related fencing built parallel to the direction of flood flows;

6) Detached GARAGES, STORAGE SHEDS, OR OTHER non-habitable ACCESSORY STRUCTURES TO EXISTING BUILDINGS THAT WILL NOT BLOCK FLOOD FLOWS. THIS DOES NOT INCLUDE THE CONSTRUCTION OR PLACEMENT OF ANY OTHER NEW STRUCTURES, (Section 18g of the Act) fill, building additions, buildings on stilts, fencing (including landscaping or plantings designed to act as a fence) and the storage of materials;

7) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;

8) Parking lots built at or below existing grade where either:

A) the depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; or

B) the parking lot is for short-term outdoor recreational use facilities where the applicant agrees to restrict access during overbank flooding events and agrees to accept liability for all damage caused by vehicular access during all overbank flooding events;

~~8+9) Parking lots (where depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot) and aircraft parking aprons built at or below ground elevation where the depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; and any modification thereto;~~

9+10) Regulatory floodway regrading, without fill, to create a positive slope toward a watercourse;

~~10+11) Flood proofing activities to protect existing structures such as, but not limited to, constructing water tight window wells, and elevating; and~~

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

11-12) In the case of damaged or replacement buildings, reconstruction or repairs made to a building that is valued at less than 50% of the market value of the building before it was damaged or replaced, and which does not increase the outside dimensions of the building.

d) The construction of an appropriate use below the 100-year frequency flood elevation will be considered permissible provided the proposed project meets the following criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer or in the case of a federal project, by the federal agency:

1) In the case of the construction of a new bridge or culvert crossing and roadway approach, the proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements; or a flood control project is built to mitigate the increased backwater due to the structure.

2) In the case of bridge and culvert reconstruction or modification, the bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage. The proposed construction shall meet the following criteria:

A) The proposed structure, including approach roads, does not result in an increase in upstream stages for normal and flood flows when compared to the existing structure.

B) On publicly navigated waterways, the proposed structure is not an obstruction to navigation.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

C) The determination as to whether the existing structure is a source of flood damage shall be made according to the following method:

i) Determine the increase in upstream flood profile due to the existing bridge or culvert by calculation or from the flood study used to delineate the regulatory floodway for all reported flood profiles up to and including the 100-year flood.

ii) Determine if there are any buildings or structures located in the 100-year flood plain upstream of the existing bridge or culvert that may be subjected to flooding. The upstream flood plain shall be checked for the length of stream required for the backwater impacts due to the existing bridge or culvert to be reduced to 0.1 foot or less.

iii) Collect the low opening elevations or lowest damageable elevations of the upstream buildings and structures as identified in subsection (d)(2)(c)(ii), above. Determine if any buildings or structures are subject to inundation by the 100-year frequency flood event.

3) In the case of bridge or culvert reconstruction and modification, if the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, based on the above review, the applicant's engineer must evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

A) The applicant's engineer must submit to the Department his or her evaluation to

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

justify why the proposed structure should be designed to allow an increase in the upstream flood stage of more than 0.1 foot when compared to a flood stage without the existing bridge or culvert or roadway approach in place for all flood events up to and including the 100-year frequency event.

- B) The evaluation shall also consider the feasibility of containing the upstream flood stage increases within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or flood walls), or within recorded flood easements; or constructing a flood control project to mitigate the increased backwater due to the structure.

- 4) In the case of any other on-stream structure built for the purpose of backing up water in the stream during normal or flood flows, but not permitted as a dam according to 92 Ill. Adm. Code 702 (Construction and Maintenance of Dams), the proposed structure shall not result in an increase of upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements; or a flood control project is built to mitigate the increased backwater due to the structure.

- 5) In the case of the construction of appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors must be taken into consideration:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- A) Regulatory floodway conveyance, "K"

$$= \frac{1.486}{n} AR_2^{2/3}$$
 where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959 Edition, McGraw-Hill Book Company, New York, New York. This incorporation contains no later editions or amendments.)
- B) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
- C) Transition sections must be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to the Department through engineering calculations and model tests that more abrupt transitions may be used with the same efficiency:
- i) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
 - ii) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.
 - iii) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 8) When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses, transition sections must be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to the Department through engineering calculations and model tests that more abrupt transitions may be used with the same efficiency:
- A) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;
 - B) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and
 - C) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
- 9) If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations. However, for bridge and culvert construction or reconstruction, a smaller bridge or culvert may be built if it can be demonstrated to the Department that the proposed structure would meet the requirements of this section for the 100-year frequency flood elevation of the regulatory floodway and would not be a source of flood damage as determined according to the method described in subsection (d)(2)(C)(i)-(iii), to any existing upstream building or structure when analyzed as follows.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- iv) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.
 - v) All cross-sections used in the calculations must be located perpendicular to flood flows.
- 6) For all appropriate uses, compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage must be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing 10-year flood elevation must be replaced below the proposed 10-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation must be replaced above the proposed 10-year flood elevation. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer must demonstrate to the Department through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
- 7) For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will result in an increase in the average channel or regulatory floodway velocities. However in the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

The proposed bridge or culvert shall be analyzed for a 100-year flood frequency flow on the tributary stream and for all tailwater elevations on the receiving stream between and including the normal water elevation and the 10-year flood frequency elevation.

- 10) If an applicant learns from the Department, local government, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a public flood control project is scheduled to be built within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

- 11) In the case of flood proofing activities, if construction is required beyond the outside dimensions of an existing building, the flood proofing construction shall be placed as close as possible to the existing building and be the minimum width necessary to protect the building. Compensation of lost storage and conveyance will not be required for flood proofing activities.

- 12) For public flood control projects (as defined in Section 708.20), the permitting requirements of this section will be considered met if the applicant can demonstrate to the Department through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

- 13) If the appropriate use would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, the applicant shall submit to the Department and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory floodway map revision and receive from the Department a conditional approval of the regulatory floodway change before a permit is

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

issued. However, the final regulatory floodway map will not be changed by the Department until as-built plans are submitted and accepted by FEMA and the Department. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas must concur with the proposed conditional regulatory floodway map revision before Department approval can be given.

- 14) All engineering analyses shall be performed by or under the supervision of a registered professional engineer, except in the case of a federal project.

- 15) All dams, as defined by 92 Ill. Adm. Code 702, shall meet the permitting requirements of Part 702 (Construction and Maintenance of Dams).

(Source: Amended at ___ Ill. Reg. ___, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Animal Diagnostic Laboratory Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:
 110.50 Amendment
 110.80 Amendment
 110.90 Amendment
 110.110 Amendment
- 4) Statutory Authority: Animal Disease Laboratory Act (Ill. Rev. Stat. 1991, ch. 8, par. 105.11) [510 ILCS 10].
- 5) Effective Date of amendments: **JAN 24 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 24, 1994
- 9) Notices of Proposal Published in Illinois Register:
September 17, 1993, 17 Ill. Reg. 14717
- 10) Has JCAR issued a Statement of Objections to these rules?
No
- 11) Differences between proposal and final version: In Section 110.90(d)(8), the abbreviation for Bovine Leukosis was added, "(BLV-AGID)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to limited funding, personnel, equipment or demand at laboratories nationwide, the Department is amending Section 100.50(d) to allow state diagnostic laboratories to accept samples from other diagnostic laboratories at in-state fees. The American Association of Veterinary Laboratory Diagnosticians (AAVLD) passed a resolution last year requesting that state laboratories charge other state laboratories the same fee as

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

in-state clients (most states charge more for out-of-state accessions). The charge affects only out-of-state samples from other state diagnostic laboratories, not individual clients.

The Department is amending Section 110.50(f) to allow for a fee for "rush priority" requests on tests for which the Department currently does not charge a fee (i.e., brucellosis and pseudorabies).

The Department is amending Section 110.50(g) to allow the laboratories to do the testing necessary to arrive at a diagnosis while providing the submitting client a known fee for the service. The work-up fees were established after reviewing the average cost to provide this type of testing at the Centralia, Galesburg, and University of Illinois Diagnostic Laboratories.

In Section 110.80(a)(1), the Department is increasing this fee to bring the state laboratories in line with the same fee as the University of Illinois laboratory. This area of testing is primarily for small animal tumor examination.

Section 110.90(b)(7) is being amended as the Galesburg Laboratory is no longer conducting the feline leukemia virus test.

The Department is lowering the fee for equine infectious anemia (EIA) testing to encourage veterinarians to send EIA samples to our laboratory for testing. The Department would have better control over the State's EIA program if samples are sent to the Department's laboratories for testing.

At the request of clients, Section 110.110(h)(31) is being added so that proper nutritional balance of rations can be analyzed. The PCB analysis is currently being done as an individual insecticide for \$20 but since the testing is more involved, a separate category is needed, Section 110.110(h)(32).

- 16) Information and questions regarding this adopted amendment shall be directed to:
 Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/782 2172

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
 ANIMAL DIAGNOSTIC LABORATORY ACT

Section

110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratory Act (Ill. Rev. Stat. 1991, ch. 8, par. 105.11) [510 ILCS 101].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March, 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. _____, effective _____.

JAN 24 1994

Section 110.50 Minimum Fees

- A minimum accession fee of \$5 per accession shall be charged on all accessions originating from Illinois animals, with the exception of samples for trichinosis testing for which the minimum accession fee is \$1. If such fees for the individual tests exceed the minimum fee, no minimum fee shall be charged. Persons submitting specimens for which there are no charges for the laboratory procedure shall be exempt from the minimum fee.
- The necropsy fee is \$40 per accession up to four animals for all species and cadavers submitted where more than one test is needed, with an additional \$15 for each additional animal. Poultry are exempt

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

from the additional charge for each animal over four. If multiple tissue specimens are submitted where more than one test is needed, the fee is \$35 per accession for up to four animals with an additional \$15 for each additional animal. The necropsy fee and multiple tissue specimens fee will include a test in pathology, microbiology, parasitology and toxicology as indicated by the necropsy. These fees do not include electron microscopy examination, toxicologic screens, water and feed analysis, serology or herd surveys. In cases where only a necropsy is performed without any tests, the fee is \$20.

- Electron microscopy and toxicologic tests (other than a screen for metals and pesticides) shall be performed only after consultation with and with approval from the person who requested the laboratory services at the fees set forth in this part.
- All fees, including the minimum accession and necropsy fee, shall be doubled on all out-of-state animals, unless a specific charge is noted or the sample is referred from another state diagnostic laboratory at which time only the in-state fee will be charged.
- Serologic tests on paired, acute and convalescent specimens will be billed as one accession at the fee set forth in this part.
- Accessions submitted as "rush priority" specimens shall be charged at twice the normal rate. This charge shall apply to any submission requesting service at a rate faster than the normal laboratory routine turnaround time for the requested test (e.g., before the regularly scheduled day, before other samples or on days requiring additional personnel time such as weekends or holidays). For cases where there is no in-state fee (i.e. pseudorabies or bovine or swine brucellosis), the fee shall be as for out-of-state samples.
- The fee for accessions up to four animals or multiple tissues from up to four animals for the following work-ups will be as indicated, with an additional \$15.00 for each additional animal. Poultry are exempt from the additional charge for each additional animal over four.

1) Porcine Abortion Work-up.....	\$50.00 C, G
2) Bovine Abortion Work-up.....	75.00 C, G
3) Respiratory or Enteric Diagnostic Work-up.....	50.00 C, G

(Source: Amended at 18 Ill. Reg. _____, effective _____, JAN 24 1994)

Section 110.80 Histopathology Fees

- The following are the fees for histopathology:

- Biopsy..... \$5.00 20.00 C, G
 - Multiple Tissues (2-4 tissues)..... 30.00 C, G
- In the event some specialty testing situation is requested by the person requesting the laboratory services, other fixatives are available. Please consult the respective diagnostic laboratory for the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

specific fee.

(Source: JAN 24 1994 at 18 Ill. Reg. _____, effective _____)

Section 110.90 Microbiology Fees

The following are the fees for microbiology:

- a) Bacteriology, Mycoplasma and Fungi
 - 1) Aerobic or anaerobic culture without sensitivity testing..... 10.00 C, G
 - 2) Aerobic culture with sensitivity testing..... 15.00 C, G
 - 3) Clostridium perfringens serotyping..... 5.00 G
 - 4) Milk samples for mastitis evaluation
 - 1-4 specimens..... 15.00 C, G
 - (additional specimens, each at)..... 2.00 C, G
 - Wisconsin mastitis test
 - 1-10 specimens, each..... 2.00 C
 - (additional specimens, each at)..... 1.00 C
 - 5) Leptospirosis--6 serotypes
 - Microtiter test--per specimen..... 2.00 C, G
 - Canine brucellosis--per specimen..... 5.00 C, G, S
 - 7) Fluorescent Antibody Test (FA)..... 10.00 C, G
 - 8) Escherichia coli serotyping..... 3.00 G
 - 9) Campylobacter (culture)..... 4.00 C, G
 - 10) Salmonella Serotyping..... 1.00 C, G
 - 11) Salmonella isolation using enrichment media..... 6.00 C, G
 - 12) Hemophilus (culture)..... 3.00 C, G
 - 13) Nasal Swabs--Bordetella..... 2.00 C, G
 - 14) Listeria (culture)..... 4.00 C, G
 - 15) Haemophilus equigenitalis (CEM)..... 4.00 C, G
 - 16) Spirochetes (swine dysentery--Treponema sp.)..... 3.00 C, G
 - 17) John's Bacillus (first specimen)..... 7.00 C, G
 - (each additional specimen)..... 4.00 C, G
 - 18) Prepare and Supply Transport Media (per tube)..... 1.00 C, G
 - 19) Return culture for bacterin production per organism..... 2.00 C, G
 - 20) Mycology Testing..... 6.00 C, G
 - 21) Microscopic examination..... 3.00 C
 - 22) Mycoplasma Testing..... 6.00 C, G
 - E. Coli or Metritis (1-4 specimens)..... 15.00 C, G
 - (each additional specimen)..... 2.00 C, G
- b) Virology
 - 1) Electron Microscopy--fecal..... 15.00 G
 - 2) Pseudorabies Serology (positive or negative)..... no charge C, G
 - Pseudorabies Serology Out-of-State..... 3.00 C, G
 - Pseudorabies Serology (positive or negative) and end titer..... 1.00 C, G
 - Pseudorabies Serology (request for screen at dilution of 1:2)..... 3.00 C, G

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- 3) Fluorescent Antibody Test (each disease)..... 10.00 C, G
- 4) Rabies..... 5.00 C, G
- 5) Virus Isolation in Cell Culture..... 15.00 C, G
- 6) Viral Serology (each disease)
 - (1-5 specimens, each)..... 3.00 C, G
 - (Each additional specimen)..... 1.00 C, G
- 7) Feline Leukemia Virus..... 10.00 C, G
- 8) Feline Infectious Peritonitis (F.I.P.)..... 5.00 C
- 9) Canine parvo-virus (ELISA) fecal..... 5.00 C, G
- 10) Canine parvo-virus serum..... 5.00 C
- 11) Canine distemper on serum..... 5.00 C
- 12) Rota-virus on fecal..... 10.00 C
- 13) Semen testing (export)..... 10.00 C
- 14) Swine enterovirus (8 serotypes)..... 12.00 C
- 15) FeLV-FeLT..... 15.00 C
- 16) Porcine fetal fluid IgG..... 3.00 G
- 17) Feline lentivirus (FeLT)..... 10.00 C
- Chlamydia Isolation in Cell Culture..... 15.00 C, G
- d) Miscellaneous serology
 - 1) Toxoplasmosis..... 5.00 C
 - 2) EIA-AGID..... 5.00 2.50 S
 - 3) Mare Immunological Pregnancy Test (35-60 days post-service)..... 15.00 C
 - 4) Aleutian Disease-Mink (immuno-electrophoresis)..... .20 S
 - 5) Out-of-State brucellosis serology..... .50 C, G, S
 - 6) Brucellosis testing other than bovine, porcine and canine..... .50 C, G, S
 - 7) Bluetongue (1-5 specimens, each)..... 3.00 C, S
 - (Each additional specimen)..... 2.00 C, S
 - 8) Bovine leukosis (BLV-AGID) (1-5 specimens, each)..... 3.00 C, S
 - (Each additional specimen)..... 1.00 C, S
 - 9) Vesicular stomatitis..... 3.00 C
 - 10) Complement Fixation Serology (1-5 specimens, each)..... 3.00 C
 - (Each additional specimen)..... 1.00 C

Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994)

Section 110.110 Toxicology Fees

- a) A maximum charge of \$100 shall be assessed Illinois residents. There is no maximum charge for out-of-state residents.
- b) Toxicology Work-up:
 - Maximum \$50 per animal or \$100 per herd (Illinois animals).
- c) Metals
 - 1) Arsenic or Selenium

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

1-3 specimens, each.....	20.00 C
each additional specimen.....	10.00 C
2) Lead, Copper, Zinc, Thallium, Calcium, Sodium, Manganese, Potassium, Iron, Chromium, Cobalt, Nickel, or Manganese.....	
1-3 specimens, each.....	8.00 C
each additional specimen.....	5.00 C
3) Cadmium, Molybdenum and Mercury.....	
1-3 specimens, each.....	10.00 C
(each additional specimen).....	6.00 C
d) Insecticide Screen.....	
1) Organochlorines, organophosphates.....	40.00 C
2) Carbamates.....	30.00 C
3) Individual insecticide.....	20.00 C
4) Ivermectin:.....	
Blood.....	25.00 C
Tissue.....	50.00 C
e) Herbicides.....	
1) Phenoxo compounds.....	40.00 C
2) Individual analysis of any herbicide from screen.....	20.00 C
3) Herbicide screen (heterocyclic nitrogen derivatives, dinitroanilines, urea, carbamate and anilide compounds).....	50.00 C
4) Imidazole compounds.....	50.00 C
f) Rodenticides.....	
1) Anticoagulant screen.....	25.00 C
2) Zinc Phosphide.....	10.00 C
3) Strychnine and other alkaloids.....	10.00 C
4) Yellow Phosphorus.....	5.00 C
5) Individual anticoagulant.....	10.00 C
6) Fluoracetate (1080).....	20.00 C
g) Mycotoxins.....	
1) Screen (aflatoxins, T-2, DAS, Vomitoxin, Zearelenone).....	50.00 C
2) Milk or urine aflatoxin.....	20.00 C
3) Ochratoxin.....	30.00 C
4) Citrinin.....	30.00 C
5) Individual analysis of any mycotoxin from screen.....	20.00 C
6) Cyclopiazonic acid (CPA).....	30.00 C
7) Blacklight for Aspergillus flavus.....	2.00 C
8) Endophyte testing.....	
Staining.....	12.50 C
Grow-out.....	15.00 C
h) Miscellaneous Analysis.....	
1) Feed microscopy.....	10.00 C
2) Nitrate:.....	
Ground Materials (first specimen).....	8.00 C

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

(each additional specimen).....	4.00 C
Forages (first specimen).....	12.00 C
(each additional specimen).....	9.00 C
On Vitreous humor.....	5.00 C
3) Cyanide.....	10.00 C
Cyanide (screen-pictic acid).....	5.00 C
4) Ammonia (Urea Toxicosis).....	
first specimen.....	10.00 C
(each additional specimen).....	5.00 C
5) Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin (first specimen).....	15.00 C
(each additional specimen).....	5.00 C
6) Sulfate.....	5.00 C
7) Creosote, Petroleum Products.....	15.00 C
8) pH.....	1.00 C
9) Urea.....	10.00 C
10) Total chlorides, feeds or water.....	5.00 C
11) Monensin or other ionophore (each).....	25.00 C
12) Water chlorine.....	5.00 C
13) Water nitrate, nitrite (each).....	5.00 C
14) Water hydrogen sulfide.....	5.00 C
15) Water hardness.....	5.00 C
16) Pentachlorophenol (PCP or Penta).....	15.00 C
17) Bone--Percent Ash, Ca, Po4.....	12.00 C
18) Ca, Po4 (in feed).....	10.00 C
19) Ergot alkaloids.....	15.00 C
20) Antibiotics in feed (each).....	15.00 C
21) Vitamin Analysis (each).....	10.00 C
22) Feed Quality Analysis.....	30.00 C
23) Protein and moisture analysis.....	7.50 C
24) Gas chromatographic/mass spectrophotometric analysis (each sample).....	50.00 C
25) Cholinesterase:.....	
Blood (first specimen).....	10.00 C
(Each additional specimen).....	5.00 C
Brain (first specimen).....	15.00 C
(Each additional specimen).....	10.00 C
26) Drug screen.....	25.00 C
27) Sulfa residue (each sulfa drug).....	5.00 C
28) Water quality screen (CH, OP, Carbamates, Herbicides, Lead).....	100.00 C
29) Total dissolved solids (Water).....	5.00 C
30) Specific gravity (Water).....	5.00 C
31) Polychlorinated biphenyls (PCB).....	50.00 C
32) Sugar analysis (each).....	20.00 C

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3) Section Numbers: Adopted Action:
 - 75.5 Amendment
 - 75.10 Amendment
 - 75.40 Repealer
 - 75.120 Amendment
 - 75.180 Amendment
 - 75.190 Amendment
 - 75.200 Amendment
 - 75.210 Amendment
 - 75.TABLE A Repealer
 - 75.TABLE B Repealer
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 134 et seq.) [510 ILCS 30] (see P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993).
- 5) Effective Date of amendments: **JAN 24 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 24, 1994
- 9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14728
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: In Section 75.10(b), in the first sentence the word "Place" was corrected to "Plate".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of amendments: The Department is updating rules pursuant to P.A. 88-91 effective July 14, 1993 and P.A. 88-457 effective August 20, 1993, and updating citations to the Code of Federal Regulation in order for the material to be more easily located.

The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service "Brucellosis Eradication Uniform Methods and Rules (UM&R) lists all tests for brucellosis that are acceptable by the USDA. The latest version of the UM&R is being adopted by the Department. The UM&R also gives the interpretation of results for the tests. Section 75.10a is being removed as the tests listed are outdated. The standard plate test is being dropped as the official test (Section 75.10c) as this test has not been considered as the official test by the USDA for a number of years. Sections 75.Table A and 75.Table B are being removed as the tables for this outdated test are contained in the UM&R.

In Section 75.10b, the auction markets under the UM&R are allowed to conduct the Buffered Acidified Plate Antigen test as the official test and use the card and CITE tests as secondary or confirmatory tests. This section is being updated to conform with the UM&R. There will be no fiscal impact on this as the markets are currently using this testing procedure in compliance with the UM&R.

Section 75.40 is being deleted as only state-federal laboratories are now recognized as being able to test for intrastate or interstate movement. On June 20, 1992, Illinois received Class Free status under the UM&R which means that Illinois has been free of bovine brucellosis since June 20, 1991. With the passage of P.A. 88-91 and P.A. 88-457, Illinois no longer requires testing of cattle moving intrastate for brucellosis.

The recognized national testing age under the UM&R for calfhood vaccinated dairy cattle is 20 months of age, not 24. P.A. 88-91 and P.A. 88-457 changed the Illinois Bovine Brucellosis Eradication Act to adopt the 20 month testing age for dairy cattle. The testing age of 24 months for beef cattle remains the same.

In Section 75.210, the age for calfhood vaccination has been lowered from 299 to 240 days for earliest vaccination. This change is recommended by the manufacturer of the vaccine as the correct age for vaccination.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75
 BOVINE BRUCELLOSIS

Section	Definitions
75.5	Incorporation by Reference
75.7	Official Classification of the Results of the Brucellosis Blood Test
75.10	Permits to Conduct Official Brucellosis Tests
75.15	Reports Required
75.20	Tests Conducted at State Expense or for Interstate or Export Shipment
75.30	Tests Conducted at Owner's Expense for Intrastate Movement <u>(Repealed)</u>
75.40	Indemnity
75.50	Identification of Cattle
75.60	Herds Revealing Reactors
75.70	Sale of Suspects and Negative Animals From Quarantined Herds
75.80	Release of Herds or Cattle Under Quarantine
75.90	Herds Revealing Suspects Only
75.100	Identification Tags
75.110	Requirements for Establishing and Maintaining Certified
75.120	Brucellosis-Free Herds of Cattle
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle for Immediate Slaughter
75.160	Female Cattle--Beef Breeds--18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or Breeding Cattle
75.190	Additional Requirements on Cattle from States Designated as Class B and Class C States
75.200	Slaughter Cattle from Class B or Class C States
75.210	Official Calhhood Vaccination
75.220	Recognition of Brucellosis State Status
TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison <u>(Repealed)</u>
TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 134 et seq.) [510 ILCS 30] (see P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993).

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. _____, effective JAN 24 1994.

Section 75.5 Definitions

The definitions for the rules of this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987 1991, ch. 8, pars. 134 et seq.) [510 ILCS 30] (see P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993).

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Division are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1988 1993).

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K277, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, May 6, 1992 as amended February 2, 1993) and the United States Department of Agriculture and/or 9 CFR 78.1 (1993).

the card (Buffered Brucella Antigen) test shall be the principal test for brucellosis utilized at approved laboratories in this State. The

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

standard--plate--test--standard--tube--test--Rivanol--test--Complement-fixation-test--(EP7)-Buffered-Acidified-Plate-Antigen-(BAPA)-test--and/or--enzyme-linked-immunosorbent-assay-(ELISA)--shall--be utilized--as-supplemental-tests-as-necessary-in-order-to-establish-the-negative-suspect-or-reactor-status-of-animals.

b) The card (Buffered Brucella Antigen) test or Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CITES (Registered) test shall be used as a supplemental test whenever the card test is used.

c) The--standard--plate--test--shall--be--the--official--test--conducted--by laboratories--authorized--under--Section--15a--of--the--Act.

1) The--results--of--the--brucellosis--standard--plate--test--of--officially vaccinated--bovines--shall--be--classified--according--to--8--ill--Adm--Code--75--Table--A.

2) The--results--of--the--brucellosis--standard--plate--test--of--non-vaccinated--bovines--shall--be--classified--according--to--8--ill--Adm--Code--75--Table--B.

d) The official brucellosis test for cattle imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 75.40 Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)

The official test for the detection of bovine brucellosis conducted at an owner's expense for intrastate movement of cattle shall be made by a veterinarian who has received a permit from the Division to conduct a laboratory for the purpose of making official tests for bovine brucellosis, or at an approved laboratory.

(Source: Repealed at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K277, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, May 6, 1992 as amended February 2, 1993) and the United States Department of Agriculture and/or 9 CFR 78.1 (1989 1993).

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 75.180 Dairy or Breeding Cattle

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

All dairy or breeding cattle transported or moved into the State of Illinois, unless said cattle are consigned direct to and delivered by the transportation company within the confines of a public stockyards or marketing center, shall be accompanied by an official certificate of health showing:

- a) All such cattle over 6 months of age are negative to brucellosis blood test within 30 days prior to shipment, OR
- b) All cattle originated from a certified brucellosis-free herd. Certified herd number shall be given and the cattle shall be identified by ear tag number, registration name and number, dam's registration number, or record association approved individual tattoo, OR
- c) Cattle are official brucellosis calfhood vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds.

(Source Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 75.190 Additional Requirements on Cattle from States Designated as Class B and Class C States

a) In addition to other entry requirements, a prior permit must be obtained for dairy, feeding or breeding cattle, except those consigned direct to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P. O. Box 201767-Suite-2057, 6924-Bateside-Avenue K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228-0176) and by the U.S. Department of Agriculture (July--17--1986 May 6, 1992 as amended February 2, 1993). Such prior permits shall be obtained by contacting the Division of Animal Industries, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and description of the cattle along with the number of animals in the shipment is necessary for obtaining a permit.

b) Breeding cattle 12 months of age or over from such states shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle originating from certified brucellosis-free herds are exempt from this provision.

c) All female cattle born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle may be spayed after entry into Illinois with prior approval from the Division which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on either or both jaws or either hip using the letter F of not less than three inches in height.

d) Female cattle, except those consigned directly to slaughter, entering Illinois from Class C states shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either or both jaws or on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle may be spayed after entry into Illinois with prior approval from the Division which will be given upon receipt of the name of the veterinarian who will be performing the operation.

e) Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:

- 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
- 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official eartags. The eartag numbers shall be recorded on the Certificate.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 75.200 Slaughter Cattle from Class B or Class C States

a) Prior to movement for slaughter, all test-eligible cattle of unknown status originating in Class B or Class C states in accordance with the Brucellosis Eradication Uniform Methods and Rules (July-17-1986 May 6, 1992 as amended February 2, 1993; as recommended and approved by the United States Animal Health Association (P.O. Box 201767-Suite-2057, 6924-Bateside-Avenue K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228-0176) and by the United States Department of Agriculture) shall:

- 1) Be subjected to an official test for brucellosis within 60 days prior to movement from the farm of origin, OR
 - 2) Be subjected to an official test for brucellosis at the market or stockyards (first point testing), OR
 - 3) Be permanently identified with a hot iron "S" brand on the left jaw and be accompanied to slaughter by USDA Form VS 1-27, OR
 - 4) Be accompanied by USDA Form VS 1-27 and moved direct to slaughter in sealed trucks and/or compartments, with no intermediate stops.
- b) For the purpose of this Section, "test-eligible" cattle means all cattle 18 months of age or over, except steers, spayed heifers, and

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

official brucellosis calfhood vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds. Finished fat heifers moving in marketing channels direct to slaughter will not be considered as test-eligible cattle.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994)

Section 75.210 Official Calfhood Vaccination

A female bovine animal is recognized as an official vaccinate if the animal is not less than 120 days nor more than 299 240 days of age when inoculated against brucellosis. Such vaccinations shall be by an accredited veterinarian who shall properly identify each animal vaccinated and report all such vaccinations to the Department within 30 days (Section 1.12 of the Act).

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

Section 75. TABLE A Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)

Dilutions		Diagnoses	
1/50	1/100	1/200	
-	-	-	Negative
±	-	-	Negative
+	-	-	Negative
+	±	-	Suspect
+	+	-	Suspect
+	+	±	Suspect
+	+	+	Reactor
		or higher	

(Source: Repealed at 18 Ill. Reg. _____, effective JAN 24 1994)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

Section 75, TABLE B Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

Mutations		Diagnosis	
1:50	1:100	1:200-or-1:250	
-	-	-	Negative
±	-	-	Suspect
+	-	-	Suspect
+	±	-	Suspect
+	+	-	Reactor
+	+	±	Reactor

(Source: Repealed at 18 Ill. Reg. _____, effective _____)
JAN 24 1994

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Definitions
- 2) Code Citation: 8 Ill. Adm. Code 20
- 3) Section Numbers: Adopted Action:
20.1 Amendment
- 4) Statutory Authority: Section 15 of the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 215) [225 ILCS 620/15]; implementing and authorized by Section 15 of the Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 415) [225 ILCS 645/15]; implementing and authorized by Section 18 of the Illinois Bovine Tuberculosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 104) [510 ILCS 35/18]; implementing and authorized by Section 10 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 143) [510 ILCS 30/10] as amended by P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993; implementing and authorized by Section 7 of the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 1481) [510 ILCS 95/7]; implementing and authorized by Section 12 of the Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1991, ch. 8, par. 160) [225 ILCS 610/12] as amended by P.A. 88-133, effective January 1, 1994; implementing and authorized by Section 2 of the Illinois Diseased Animals Act (Ill. Rev. Stat. 1991, ch. 8, par. 169) [510 ILCS 50/2]; implementing and authorized by Sections 8a and 11 of the Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, pars. 215a and 218) [225 ILCS 640/8a and 11]; implementing and authorized by Section 2.3 of the Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 8, par. 132.3) [510 ILCS 85/2.3]; implementing and authorized by Section 5 of the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 805) [510 ILCS 90/5].
- 5) Effective Date of amendments: JAN 24 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes, in Section 20.1(t) and (cc)
- 8) Date Filed in Agency's Principal Office: January 13, 1994
- 9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14739
- 10) Has JCAR issued a Statement of Objections to these rules?

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

No

11) Differences between proposal and final version: The reference to "An Act in relation to hatcheries, poultry flocks and the produce thereof" was replaced by "the Poultry Inspection Act". The indent labels in Section 20.1(ab), (ac), and (ad) were changed to Section 20.1(bb), (cc), and (dd).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: The Department is updating statute citations, adding citations to the Illinois Compiled Statutes (ILCS), updating citations to federal regulations that are incorporated references, and making nonsubstantive editorial changes.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 20

DEFINITIONS

Section

20.1 Definitions

AUTHORITY: Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 515) [510 ILCS 100/15]; implementing and authorized by Section 15 of the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 215) [225 ILCS 620/15]; implementing and authorized by Section 15 of the Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 415) [225 ILCS 645/15]; implementing and authorized by Section 18 of the Illinois Bovine Tuberculosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 104) [510 ILCS 35/18]; implementing and authorized by Section 10 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 143) [510 ILCS 30/10] as amended by P.A. 88-91, effective July 14, 1993 and 88-457, effective August 20, 1993; implementing and authorized by Section 7 of the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 1481) [510 ILCS 95/7]; implementing and authorized by Section 12 of the Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1991, ch. 8, par. 160) [225 ILCS 610/12] as amended by P.A. 88-133, effective January 1, 1994; implementing and authorized by Section 2 of the Illinois Diseased Animals Act (Ill. Rev. Stat. 1991, ch. 8, par. 169) [510 ILCS 50/2]; implementing and authorized by Sections 8a and 11 of the Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, pars. 217a and 218) [225 ILCS 640/8a and 11]; implementing and authorized by Section 2.3 of the Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 8, par. 132.3) [510 ILCS 85/2.3]; implementing and authorized by Section 5 of the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 805) [510 ILCS 90/5].

SOURCE: Regulations Relating to the Division of Meat, Poultry and Livestock Inspection, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. _____, effective _____ **JAN 24 1994**

Section 20.1 Definitions

a) The term "Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- b) The term "Division" or "Division of Animal Industries" means the Division of Animal Industries of the Illinois Department of Agriculture.
- c) The term "Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
- d) The term "brucellosis" means the disease wherein an animal is infected with *Brucella* micro-organisms irrespective of the occurrence or absence of clinical signs.
- e) The term "official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10 approved by the Department and the Animal and Plant Health Inspection Service which is based on a standard test which is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.
- f) The term "suspicious animal" or "suspect" means an animal which has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.
- g) The term "infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges.
- h) The term "approved laboratory" means one of the animal disease laboratories operated by the Division, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.
- i) The term "ring test" or "BRT" -- brucellosis ring test, means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.
- j) "Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.
- k) "Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.
- l) The term "infestation" or "infested with" means the invasion of the body by animal parasites.
- m) The term "quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.
- n) The term "restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.
- o) A "Certified Brucellosis-Free Herd" is one in which at least two annual negative official tests for brucellosis have been conducted on

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.
- p) A "Tuberculosis-free Accredited Herd" is one for which a certificate of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.
- q) The term "accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.
- r) A "recognized slaughtering establishment" is an establishment where slaughtering is conducted under Federal or State inspection.
- s) The term "public stockyards" means a stockyards where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, such as Chicago-Joliet-Marketing-Center,--inc---located-at--Joliet, National Stockyards located at East St. Louis, and Peoria Union Stockyards located at Peoria.
- t) A "Marketing Center" is a licensed livestock auction market which has been designated as a "Specifically Approved Stockyard" by the Department and the United States Department of Agriculture (9 CFR 78.44 (1987 1993)). Incorporation by reference does not include any later amendments or editions beyond the date specified. Marketing Centers shall enter into a Memorandum of Understanding with the United States Department of Agriculture and the Department and comply with the standards set forth in that Memorandum.
- u) A "consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyards, packing plant, or marketing center of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, packing plant, or marketing center of destination upon acceptance. This consignment shall be held by the stockyards, packing plant, or marketing center for a period of not less than six months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers.
- v) The term "health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and address of the consignor, the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

name and address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. The two copies of the health certificate that are labeled "Division Copy" shall be submitted to the Division within 30 days of issuance.

- w) An "approved health certificate" is one that has been so endorsed by the Animal Health official of the state of origin.
- x) The term "State Inspector" means an Animal Health Inspector employed by the Division of Animal Industries of the Illinois Department of Agriculture.
- y) The term "Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
- z) The term "feeder female cattle" means female bovines 6-18 months of age which have not been tested for brucellosis prior to sale.
- aa) The term "Director" means the Director of the Illinois Department of Agriculture.
- bb) The term "feeder swine" or "feeding swine" means swine under 6 months of age, weighing less than slaughter weight and not requiring testing as breeding swine or swine consigned directly to slaughter.
- cc) The term "Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 (1987 1993)). Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987 1991, ch. 8, par. 135) [510 ILCS 30/2] as amended by P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993, the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.
- dd) The term "negative exposed cattle" means a test negative animal in an infected herd.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Numbers: Adopted Action:
85.5 Amendment
85.15 Amendment
85.50 Amendment
85.75 Amendment
85.100 Amendment
85.110 Amendment
85.115 Amendment
85.125 New Section
- 4) Statutory Authority: Illinois Diseased Animals Act (Ill. Rev. Stat. 1991, ch. 8, par. 168 et seq.) [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 139) [510 ILCS 30/6], see P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993; Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208) [225 ILCS 640]; and Equine Infectious Anemia Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 951 et seq.) [510 ILCS 65], see P.A. 87-1268, effective March 3, 1993.
- 5) Effective Date of amendments: JAN 24 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 24, 1994
- 9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14747
- 10) Has JCAR issued a Statement of Objections to these rules?
No
- 11) Differences between proposal and final version: In Section 85.125(a)(1), "within 10 days of importation" was clarified and now reads "within 10 days prior to importation". Also in Section 85.125(a)(2), "within 30 days by an accredited veterinarian" was clarified and now reads "within the past 30 days by an accredited veterinarian".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

N/A

13) Will this amendment replace an emergency amendment in effect? Yes, Section 85.125 replaces an emergency rule published in 17 Ill. Reg.14052

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: The Department is adopting the most current versions of the Code of Federal Regulations (CFR) and Uniform Methods and Rules for Brucellosis Eradication. The address for the U.S. Animal Health Association has changed, and the new address is given.

The Department, representatives of DeKalb Poultry Research, and the Illinois poultry industry feel it is imperative the Department restrict the importation of ratites into Illinois. There has been an outbreak of Avian Influenza (AI) in ratites in Texas. AI is a very deadly and costly disease in the poultry industry as demonstrated by the outbreak in Pennsylvania in the early 1990's when millions of birds had to be destroyed. The strain of AI being carried by ratites (ostriches, rheas, emus, cassowaries, and kiwis) is transmissible to domestic poultry and turkeys. There is no vaccine and no cure for this highly contagious disease. There will be no cost to Illinois residents as the birds will have to be tested prior to importation.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

Section	Definitions
85.5	Incorporation by Reference
85.7	Reportable Diseases
85.10	Truck Cleaning and Disinfection
85.15	Disposal of Sick, Diseased, or Crippled Animals at Stockyards
85.20	Sale of Livestock Quarantined Because of Disease
85.25	Identification Ear Tags for Livestock
85.30	Identification Tags Not to be Removed
85.35	Livestock for Immediate Slaughter Not to be Diverted En Route
85.40	Anthrax
85.45	Goats
85.50	Scrapie in Sheep
85.55	Bluetongue
85.60	Sheep Foot Rot (Repealed)
85.65	Cattle Scabies
85.70	Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
85.75	Sheep
85.80	Diseased Animals
85.85	Copy of Health Certificate Shall Be Furnished
85.90	Requests for Permits
85.95	Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers
85.100	Obligation of Transportation Company and Truck Operators
85.105	Additional Requirements on Cattle From Designated States
85.110	Salmonella enteritidis serotype enteritidis
85.115	Cervidae
85.120	Ratites
85.125	

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act (Ill. Rev. Stat. 1991, ch. 8, par. 168 et seq.) [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 139) [510 ILCS 30/6], see P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993; Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208) [225 ILCS 640]; and Equine Infectious Anemia Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 951 et seq.) [510 ILCS 65], see P.A. 87-1268, effective March 3, 1993.

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective JAN 24 1994.

Section 85.5 Definitions

Definitions for the rules of this Part are located in the general definitions section Section (8 Ill. Adm. Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; §99.1 1993).

"Division" means the Division of Animal Industries of the Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

(Source: Amended JAN 24 1994 18 Ill. Reg. _____, effective _____)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10 - 71.12; §99.1 1993).

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994)

Section 85.50 Goats

a) Part A -- Brucellosis in Goats

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) When a serologic test for brucellosis in goats discloses one or more reactors, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Division. The length of the quarantine period shall be determined by the Division.
- 2) All brucellosis agglutination blood tests of goats shall be made at an approved laboratory.
- b) Part B -- Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Goats
 - 1) General Requirements
 - A) Certified brucellosis-free herd certificates, which shall be valid for one year, unless revoked in accordance with the procedures as adopted by the United States Animal Health Association (P.O. Box 281767-Suite-2447-6524-Bakeside-Avenue K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228-8176) and as outlined for cattle certificate revocation in the Brucellosis Eradication Uniform Methods and Rules, effective July-17--1986 May 6, 1992, amended February 2, 1993, published by the United States Department of Agriculture, Animal and Plant Health Inspection Service, shall be issued by the Division.
 - B) Certificates shall be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of a certified brucellosis-free herd.
 - C) A "herd" shall be considered as including all animals 6 months of age and over and shall consist of at least 5 animals.
 - D) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.
 - E) All official blood tests of goats shall be conducted at an approved laboratory.
 - 2) To Qualify for Certification
 - A) Herds shall be certified upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
 - B) Animals classified as suspects, in herds that are otherwise negative, must be retested at 30-day intervals until their status has been determined. If the suspects are sold or otherwise disposed of before their status has been determined, the entire herd must be retested to achieve a negative herd status. If the suspects are classified as reactors upon retest, the herd is considered to be infected. Diseased goats may only be consigned directly to a slaughtering facility and must be accompanied by a "Permit for Movement, VS Form 1-27".

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- C) If on the initial herd test, or as a result of any retests of animals in the herd, one or more reactors are disclosed, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Division. The length of the quarantine period shall be determined by the Division.
- 3) To Qualify for Recertification
- A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous certification. Upon receipt of a negative herd test, the Division shall extend certification for 12 months from the anniversary date.
- B) If the annual test for recertification is conducted within 60 days following the anniversary date and all the animals are negative, certification will be restored and the certification period will be 12 months from the anniversary date.
- C) If the annual test for recertification is not conducted within 60 days following the anniversary date, certification is cancelled and recertification requirements are then the same as for initial certification.
- D) If suspects or reactors are disclosed on a recertification test, their disposition and herd retest requirements shall be the same as specified in Section 85.50(b)(2)(B) and (C).
- E) All official blood tests of goats shall be conducted at an approved laboratory.
- 4) Additions to Certified Brucellosis-Free Herds
- A) Animals originating from other certified herds may be added without tests.
- B) Animals originating from herds not certified may be added; provided, they are negative to an official brucellosis test within 60 days prior to addition, are held in isolation from other members of the certified herd for a minimum period of 30 days and are retested and negative at the end of this isolation period.
- C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 30 days and are included in a complete herd retest.
- C) Part C -- Requirements for Establishing and Maintaining Accredited Tuberculosis-Free Herds of Goats
- 1) General Requirements
- A) Accredited tuberculosis-free herd certificates, which shall be valid for one year, unless revoked in accordance with the procedures outlined in the Bovine Tuberculosis Eradication Uniform Methods and Rules, effective March 31, 1988, as

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- amended February 3, 1989, Part III B, Accredited Herd Plan for Dairy Goats, shall be issued by the Division (9 CFR 77.1 (#999 1993)).
- B) Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
- C) A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
- D) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.
- E) All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.
- 2) To Qualify for Accreditation
- A) Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
- B) If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Division by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative-cervical test to retest the animal within 10 days of the original injection. If the animal is identified as a reactor as a result of the comparative-cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of animals, and conduct additional tests on members of the herd.
- 3) To Qualify for Reaccreditation
- A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Division shall extend accreditation for 12 months from the anniversary date.
- B) If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
- C) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
- D) If a reaction to the tuberculin test is disclosed at the time of the reaccreditation test, the procedure outlined in Section 85.50(b)(2)(B) shall be followed.
- 4) Additions to Accredited Tuberculosis-Free Herds

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- A) Animals originating from other accredited herds may be added without tests.
- B) Animals originating from herds not accredited may be added; provided, they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.
- C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.
- d) Part D - Other Contagious Diseases. All goats, including dairy goats, will not be allowed to be exhibited in Illinois and must be removed immediately from the exhibition area if showing signs of any of the following conditions:
- 1) Lesions of contagious ecthyma (sore mouth).
 - 2) Active lesions of ringworm with resulting loss of hair.
 - 3) Caseous lymphadenitis as evidenced by draining abscesses.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas

- a) A prior permit must be obtained from the Division before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.
- b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (1991 1993).
- c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; 1991 1993).

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 85.100 Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- a) All out-of-state livestock consigned to a public stockyard, recognized slaughtering center, or marketing center shall be accompanied from point of origin by a permit issued by the Division, or by a consignment issued by the owner or shipper of the livestock, designating the name of the owner or shipper, place of origin, public stockyard, recognized slaughtering center, or marketing center of destination, date of shipment, and number and description of livestock.
- b) A copy of the consignment shall be held by the public stockyard, recognized slaughtering center, or marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, and the Illinois Department of Agriculture, and other officials having police powers. (See Section 1 of the Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208) [225 ILCS 640.1].)

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 85.110 Additional Requirements on Cattle From Designated States

Female cattle, except those consigned direct to slaughter or calves under 6 months of age, entering Illinois for feeding purposes from states designated by the U. S. Department of Agriculture as Class B and Class C states under provisions of the Brucellosis Eradication Uniform Methods and Rules (July--1986 May 6, 1992 as amended February 2, 1993) as approved by the United States Animal Health Association (P.O. Box 201767--Suite--2057--6924--Baker--Avenue K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228-0176) and the U.S. Department of Agriculture shall, in addition to present entry requirements now on file, be tagged in the right ear with an official ear tag identifying the cattle to the state of origin. The ear tag series shall be recorded on the official interstate health certificate, or on the owner-shipper statement. These official, uniformly numbered ear tags may be applied by anyone.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 85.115 Salmonella enteritidis serotype enteritidis

- a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36, 1993 (1991--amended--at--56--PR--37307 effective January 19, 1993; and 9 CFR 114.114, effective March 17, 1993) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.
- b) All flocks found to be infected with Salmonella enteritidis serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for *Salmonella enteritidis* serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).

c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements shall be the same as interstate movement requirements.

d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:

1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;

2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;

3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. Sanitation Monitored" under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147, 1991 1993);

4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d), 1991 1993);

5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;

6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and

7) Replacement poultry shall be from flocks that are classified "U.S. Sanitation Monitored" under the National Poultry Improvement Plan and Auxiliary Provisions.

e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:

1) Initial purchase price of each bird;

2) Age of the bird and its egg production capabilities or value for producing progeny; and

3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.

f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

Section 85.125 Ratites

c) All ratites (i.e. emus, kiwis, cassowaries, rheas, ostriches) entering Illinois shall comply with the following:

1) Be negative to a test for Avian Influenza within 10 days prior to importation;

2) Be accompanied by a Certificate of Veterinary Inspection issued within the past 30 days by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture indicating that the ratites are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;

3) Be permanently identified by means of a leg band or microchip; and

4) Be accompanied by a permit issued by the Department. The permit number shall be issued to the veterinarian issuing the Certificate of Veterinary Inspection or the consignor of the ratites.

A) Applicant for the permit shall furnish the following information to the Department:

Name and address of Illinois destination;

Name and address of consignor; and

Number of ratites in shipment.

B) Grounds for refusal to issue a permit are:

i) Violation of the Act or any rule of this Part; and

ii) Presence of a disease which might endanger the Illinois poultry industry.

b) Ratites imported into Illinois must be kept isolated from other ratites or poultry on the premises for a minimum of 14 days.

(Source: Added at 18 Ill. Reg. _____, effective JAN 24 1994)

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Equine Infectious Anemia Control
- 2) Code Citation: 8 Ill. Adm. Code 116
- 3) Section Numbers: Adopted Action:
 116.10 New Section
 116.20 New Section
 116.30 New Section
- 4) Statutory Authority: Illinois Equine Infectious Anemia Control Act (510 ILCS 65, see P.A. 87-1268, effective March 3, 1993)
- 5) Effective Date of amendments: JAN 24 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 24, 1994
- 9) Notices of Proposal Published in Illinois Register:
 September 17, 1993, 17 Ill. Reg. 14761

- 10) Has JCAR issued a Statement of Objections to these rules?
 No

- 11) Differences between proposal and final version: In Section 116.20 in the second sentence "within 15 days of the original test" was changed to "within 15 days after the original test".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 N/A

- 13) Will this amendment replace an emergency amendment in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of amendments: Pursuant to P.A. 87-1268, the Department is adopting rules to allow for the testing of Illinois equidae when epidemiological evidence indicates an animal may be a carrier of equine infectious anemia (EIA). There is no cost to herd owners for EIA testing if a veterinarian employed by the Department conducts the test and the blood sample is submitted to a

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

laboratory operated by the Department for test results. The Department is granting owners the right to have the animal retested after an initial diagnosis of positive in case a laboratory error has occurred.

Reactors are carriers of EIA for life, and there is no cure for this disease. If the owner of a reactor chooses to quarantine the reactor rather than destroy it, the animal must be maintained in quarantine until death in an insect proof stall which the Department will inspect on a routine basis to ensure that proper steps are constantly maintained to prevent the spread of the disease.

- 16) Information and questions regarding this adopted amendment shall be directed to:
 Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

quarantine.

PART 116

EQUINE INFECTIOUS ANEMIA CONTROL

Section

- 116.10 Testing of Illinois Equidae
- 116.20 Retesting of Reactors
- 116.30 Quarantining of Reactors

AUTHORITY: Implementing and authorized by the Illinois Equine Infectious Anemia Control Act [510 ILCS 65] (see P.A. 87-1268, effective March 3, 1993).

SOURCE: Adopted at 18 Ill. Reg. _____, effective JAN 24 1994.

Section 116.10 Testing of Illinois Equidae

When a single reactor is disclosed on an official test within Illinois, owners are required to submit all equidae within a one and one half mile radius of the reactor for an equine infectious anemia (EIA) test within three months. In the case of multiple reactors, all equidae within a three mile radius of the reactors shall be tested for EIA within three months. Veterinarians employed by the Department will do the testing at no cost to the owner. If the owner wishes to have his or her private veterinarian conduct the test, the State will not pay the private veterinarian to do the testing but will waive the laboratory fee if the sample is submitted to a Department operated laboratory. A retest of any remaining equidae on the premises where a reactor was disclosed and either shipped to slaughter or euthanized shall be conducted by the Department not less than six months nor more than one year after the reactor has left the premises.

Section 116.20 Retesting of Reactors

The Department will grant a retest of reactors upon request by the owner or veterinarian. The retest must be conducted within 15 days after the original test.

Section 116.30 Quarantining of Reactors

If the owner of a known reactor does not wish to have the reactor euthanized or shipped to slaughter, the animal must be quarantined for life. The reactor must be kept at all times in an insect proof stall and cannot be removed from this enclosure, except to be euthanized or shipped to slaughter. All quarantine facilities must be approved by the Department and will be inspected on a regular basis to make sure that the reactor is maintained under

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Address: Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Feeder Swine Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.5 Amendment
590.30 Amendment
- 4) Statutory Authority: Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 201 et seq.) [225 ILCS 620].
- 5) Effective Date of amendments: **JAN 24 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 13, 1994
- 9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14765
- 10) Has JCAR issued a Statement of Objections to these rules?
No
- 11) Differences between proposal and final version: The ILCS citation was amended in Section 590.5(b) under the definition of "Act" to "225 ILCS 620". In Section 590.30, the reference to Section 13 of the Illinois Swine Disease Control and Eradication Act was deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: The Department is adding citations to the Illinois Compiled Statutes (ILCS) and making nonsubstantive editorial changes.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Name: Debbie Wakefield

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER II: DEPARTMENT OF AGRICULTURE

PART 590

FEEDER SWINE DEALER LICENSING

Section

- 590.5 Definitions
- 590.10 Permanent Place of Business
- 590.20 Agents (Repealed)
- 590.30 Imported Feeder Swine
- 590.40 Ear Tagging (Repealed)
- 590.50 Duties of a Licensed Swine Dealer
- 590.60 Maintenance of Records (Repealed)
- 590.70 Surety Bonds (Repealed)
- 590.80 Surety Bonds and Other Pledged Securities
- 590.90 Feeder Swine Purchase and Movement Restrictions

AUTHORITY: Implementing and authorized by the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 201 et seq.) [225 ILCS 620].

SOURCE: Rules and Regulations Relating to Feeder Swine Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; filed July 18, 1972, effective July 28, 1972; Authority Note amended 2 Ill. Reg. No. 34, pg. 177, effective August 24, 1978; codified at 5 Ill. Reg. 10571; amended at 10 Ill. Reg. 10087, effective May 21, 1986; amended at 18 Ill. Reg. _____, effective JAN 24 1994.

Section 590.5 Definitions

- a) Words in the singular form shall be deemed to include the plural, words in the masculine form shall be deemed to include the feminine form, and vice versa, as the case may require.
- b) The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definition shall apply to this Part:
"Act" means the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 201 et seq.) [225 ILCS 620].

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 590.30 Imported Feeder Swine

Feeder swine imported into Illinois shall be accompanied by a health certificate and permit, in compliance with Sections 107 and 11 ~~and 13~~ of the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1985 1991, ch. 8, pars. 5107 and 511 ~~and 513~~) [510 ILCS 100/10 and 11] and the rules relating to importation of feeding swine (8 Ill. Adm. Code 105.10 and 105.20).

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of amendments: The Department is updating statute citations and adding citations to the Illinois Compiled Statutes (ILCS). In Section 40.80, the Department is adding that slaughter animals be kept separate from breeding and feeding animals since the health status of slaughter animals is unknown. In Section 40.110, the Department is changing the vaccination test eligible age for dairy cattle from 24 months of age to 20 months of age pursuant to P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Name: Debbie Wakefield
Address: Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281
 Springfield, IL 62794-9281
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Numbers: Adopted Action:
 40.5 Amendment
 40.60 Amendment
 40.80 Amendment
 40.110 Amendment
 40.170 Amendment
- 4) Statutory Authority: Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208 et seq.) [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 40.23) [20 ILCS 205/40.23].
- 5) Effective Date of amendments: **JAN 24 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 13, 1994
- 9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14769
- 10) Has JCAR issued a Statement of Objections to these rules?
 No
- 11) Differences between proposal and final version: In the Table of Contents, Section 40.110, "Under 24 Months of Age" was stricken to agree with the heading change in the text for that section. The ILCS reference to the Livestock Auction Market Law was amended to read "225 ILCS 640" under the "Authority" section and under Section 40.5 under the definition of "Act". In those same two sections, the references to P.A. 87-172 and P.A. 87-160 were deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER B: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 40
LIVESTOCK AUCTION MARKETS

- Section 40.5 Definitions
- 40.10 Fee to Accompany Application Not To Be Refunded
- 40.20 Release of Livestock for Interstate Shipment
- 40.30 Veterinary Inspection
- 40.40 Veterinary Office
- 40.50 Detection of Diseased Animals
- 40.60 Bovine Brucellosis
- 40.70 Quarantine Pen
- 40.80 The Sale of Livestock for Immediate Slaughter
- 40.90 Test Chute
- 40.100 Brucellosis Test
- 40.110 Sale of Official Brucellosis Calhhood Vaccinates Under--24--Months--of Age
- 40.120 Feeder Cattle Subject to Quarantine
- 40.130 Backtagging
- 40.140 Yarding and Housing
- 40.150 Display License (Repealed)
- 40.160 Sale Day
- 40.170 Swine
- 40.180 Swine Which React to Test for Brucellosis
- 40.190 Sheep
- 40.200 Surety Bonds and Other Pledged Security
- 40.210 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
- 40.220 Swine Movement Limitations (Repealed)
- 40.230 Disposition of Rejected Feeding or Breeding Swine
- 40.240 Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208 et seq.) [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 40.23) [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; 2 Ill. Reg. 24, p. 3, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

amended at 18 Ill. Reg. _____, effective JAN 24 1994

Section 40.5 Definitions

Definitions for the rules of this Part can be located in the general definitions Section (8 Ill. Adm. Code 20.1). The following definition shall also apply to the rules of this Part:

"Act" means the Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208 et seq., ~~as amended by P.A. 87-1727, effective August 26, 1991, and P.A. 87-1667, effective January 17, 1992~~) [225 ILCS 640].

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994)

Section 40.60 Bovine Brucellosis

- a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.
- b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 138) [510 ILCS 30/5 as amended by P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a livestock auction market designated as a marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter.
- c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Division and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: JAN 24 1994, 18 Ill. Reg. _____, effective _____)

Section 40.80 The Sale of Livestock for Immediate Slaughter

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

recognized for one change of ownership or premises only within the 60-day period.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **JAN 24 1994**)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

a) The purchaser of all livestock for immediate slaughter shall sign an official certificate of "Quarantine and Certification of Slaughter or Shipment" (Form C-37) or purchaser's invoice. Livestock shall be:

- 1) slaughtered on the purchaser's premises, OR
- 2) be taken directly to a recognized slaughtering establishment, OR
- 3) be taken to a public stockyard for resale to a recognized slaughtering establishment.

b) All livestock shall be slaughtered within 10 days of the date of sale.

c) All livestock sold for slaughter must be kept separate and apart from animals being sold for breeding or feeder purposes.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **JAN 24 1994**)

Section 40.110 Sale of Official Brucellosis Calfhood Vaccinates Under--24 Months-of-Age

a) Brucellosis calfhood vaccinates shall be accompanied by:

- 1) Official vaccination certificate, OR
- 2) Form VS 4-26 properly completed for reestablishing vaccination status.

b) If such animal has lost its ear tag, but has official calfhood vaccination tattoo in the right ear, it shall be retagged in the right ear and the re-tag number recorded on the official vaccination certificate OR Form VS 4-26.

(Source: Amended at 18 Ill. Reg. _____, effective _____, **JAN 24 1994**)

Section 40.170 Swine

a) In no case shall swine remain on the livestock auction market premises for more than 10 days.

b) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105.10) and be ear tagged to show state of origin. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours of the time of sale (on Form 2-5) to the Division of Animal Industries, stating name and address of purchaser and number of animals purchased. Such swine shall be quarantined to the purchaser for 21 days by the Division (8 Ill. Adm. Code 105.20).

c) Ear tag identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.

d) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 148g) [225 ILCS 95/2], all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Livestock Dealer Licensing

- 2) Code Citation: 68 Ill. Adm. Code 610

- 3) Section Numbers: Adopted Action:
 610.10 Amendment
 610.20 Repealer
 610.30 Amendment
 610.40 Amendment
 610.60 Amendment

- 4) Statutory Authority: Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 401 et seq.) [225 ILCS 645].

- 5) Effective Date of amendments: **JAN 24 1994**

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this proposed amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: January 13, 1994

- 9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14775

- 10) Has JCAR issued a Statement of Objections to these rules?
No

- 11) Differences between proposal and final version: In Section 610.40, a correction was made to the Ill. Rev. Stat. and ILCS citations relating to Section 19.1 of the Illinois Livestock Dealer Licensing Act. In the last sentence of Section 610.60(b), the reference to 8 Ill. Adm. Code 610.60(c) was changed to "subsection (c) below".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
N/A

- 13) Will this amendment replace an emergency amendment in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of amendments: The Department is adding citations to the Illinois Compiled Statutes (ILCS).

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Pursuant to P.A. 88-91, effective July 14, 1993 and P.A. 88-457, effective August 20, 1993, the Department is repealing Section 610.20 as the intrastate testing requirements for bovine brucellosis have been lifted. Illinois has been granted Brucellosis Class Free Status by the U.S. Department of Agriculture. This amendment will save the livestock dealer licensees approximately \$250,000 annually.

The Department is amending Section 610.60 so that slaughter animals are required to be isolated from feeder animals as well as breeding animals.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER 11: DEPARTMENT OF AGRICULTUREPART 610
LIVESTOCK DEALER LICENSING

Section	
610.5	Definitions
610.10	Entry Requirements
610.20	Breeding Cattle Health Requirements (Repealed)
610.30	Swine Health Requirements
610.40	Prevention of Spread of Livestock Diseases
610.50	Feeder Cattle
610.60	Slaughter Animals
610.70	Care of Livestock (Repealed)
610.80	Inspection
610.90	Identification Not to be Removed or Altered
610.100	Compliance with Market Cattle Identification Program
610.110	Surety Bonds and Other Pledged Security
610.120	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
610.130	Director as Trustee on Surety Bonds (Repealed)
610.140	Dealer's Agent (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 401 et seq.) [225 ILCS 645].

SOURCE: Rules and Regulations Relating to the Livestock Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; June 20, 1973, effective July 1, 1973; April 5, 1976, effective April 15, 1976; amended at 2 Ill. Reg. 34, p. 166, effective August 24, 1978; codified at 5 Ill. Reg. 10573; amended at 8 Ill. Reg. 5973, effective April 23, 1984; amended at 13 Ill. Reg. 3690, effective March 13, 1989; amended at 18 Ill. Reg. _____, effective **JAN 24 1994**.

Section 610.10 Entry Requirements

All livestock imported into the State shall meet Illinois entry requirements as may be set forth in those Acts listed in Section 19.1 of the Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 420.1) [225 ILCS 645/19.1]. Livestock dealers shall submit to the Division, on Division Form M-106, weekly reports of all out-of-state livestock.

(Source: Amended at 18 Ill. Reg. _____, effective **JAN 24 1994**)

Section 610.20 Breeding Cattle Health Requirements (Repealed)

- a) All Illinois breeding cattle, six months of age and over, purchased by a licensed livestock dealer shall comply with one of the following:

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Be negative to a brucellosis test within 60 days prior to purchase; test valid for one change of ownership or premises except that such cattle may change ownership or premises one or more times in the 14 day period immediately following the date of the negative test; or
- 2) Be officially calfhood vaccinated and under 24 months of age; or
- 3) Be consigned direct from farm of origin to a livestock auction market and shall meet the requirements of the Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121-1/27 par. 248 et seq.) and rules pursuant thereto (8 Ill. Adm. Code 40.100 and 40.110) or
- 4) Be untested but subject to brucellosis test within 48 hours after purchase and prior to commingling with other cattle if originating directly from a farm owned and/or operated other than by a licensee;
- b) All breeding cattle sold by the livestock dealer, except direct to slaughter, shall be accompanied by a negative brucellosis blood test as provided in the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 134 et seq.) or shall be official calfhood vaccinated under 24 months of age;
- c) Any cattle which, upon being tested for brucellosis for the livestock dealer, are classified as reactors or suspects shall automatically come under jurisdiction of the Illinois Bovine Brucellosis Eradication Act and rules (8 Ill. Adm. Code 40.110 et seq.).

(Source: Repealed at 18 Ill. Reg. _____, effective **JAN 24 1994**)

Section 610.30 Swine Health Requirements

- a) All Illinois breeding swine 4 months of age and over purchased by a licensed livestock dealer shall comply with the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 148f et seq.) [510 ILCS 95].
- b) All breeding swine sold or purchased by a licensed livestock dealer through a livestock auction market shall comply with the requirements of the Livestock Auction Market Law and rules (8 Ill. Adm. Code 40.170(e)).

(Source: Amended at 18 Ill. Reg. _____, effective **JAN 24 1994**)

Section 610.40 Prevention of Spread of Livestock Diseases

All other species of breeding livestock, to wit: cattle and sheep, shall comply with the laws and rules as listed in Section 19.1 of the Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 402 420.1) [225 ILCS 645/19.1] relating to such livestock.

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section Numbers: Adopted Action:
105.5 Amendment
105.10 Amendment
105.30 Amendment
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 501 et seq.) [510 ILCS 100], the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 801 et seq.) [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 148f et seq.) [510 ILCS 95].

5) Effective Date of amendments: JAN 24 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: January 24, 1994

9) Notices of Proposal Published in Illinois Register: September 17, 1993, 17 Ill. Reg. 14781

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: Section 105.10 is amended due to the U.S. Department of Agriculture approving the use of tattoos for identification of feeding swine moving interstate.

The Department is adding citations to the Illinois Compiled

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

Section 610.60 Slaughter Animals

Livestock dealers purchasing animals for slaughter purposes only (cattle, swine or sheep) shall:

- Keep slaughter animals isolated from all breeding and feeder animals.
- Be sold within 10 days of purchase direct to a public stockyard or recognized slaughter establishment under State or federal supervision. Slaughter cattle from farm of origin may be consigned direct to a recognized slaughter establishment, or public stockyard, or licensed livestock auction market under State or Federal supervision (except the type of cattle mentioned in 8-111-Adm.-Code-610-60 subsection (c) below).
- Maintain records on each head of livestock purchased in accordance with Section 17 of the Illinois Livestock Dealer Licensing Act (Ill. Rev. Stat. 1987 1991, ch. 111, par. 417) [225 ILCS 645/17]. Livestock purchased at less than prevailing market price, such as, "downer" cows, cows with epithelioma (cancer eye), crippled animals, and animals whose general physical appearance would indicate they are not healthy or are suffering from malnutrition shall be consigned directly to a recognized slaughtering establishment under State or Federal supervision.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105

SWINE DISEASE CONTROL AND ERADICATION ACT

Section	Definitions
105.5	Swine Entering Illinois for Feeding Purposes Only
105.10	Quarantine of Imported Feeder Swine
105.20	Swine Entering Illinois for Breeding Purposes
105.30	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.40	General Requirements for Qualified Pseudorabies Negative, Controlled
105.41	Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies
	Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled
	Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine
	Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 501 et seq.) [510 ILCS 1001, the Illinois pseudorabies Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 801 et seq.) [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 148f et seq.) [510 ILCS 95].

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 3, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 11387, effective May 15, 1987; amended at 11 Ill. Reg. 11538, effective May 21, 1988; amended at 12 Ill. Reg. 3440, effective January 22, 1989; amended at 13 Ill. Reg. 3115, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Statutes (ILCS) and adopting the latest versions of the Brucellosis Eradication Uniform Methods and Rules and Pseudorabies Eradication State-Federal-Industry Program Standards.

At the request of the Illinois Pseudorabies Advisory Committee, the Department is lowering the retest time period for imported breeding swine from a minimum of 30 days to a minimum of 21 days. The 30-day retest period did not allow sufficient time for some farms to get animals tested, test results back from the laboratory, and buildings cleaned and disinfected prior to the arrival of the next group of animals. The Department is requiring that imported animals be kept isolated from other animals on the farm until they have been tested. The benefits of isolation of newly purchased animals is a preventive measure that embraces good husbandry practices.

16) Information and questions regarding this adopted amendment

shall be directed to:

Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, P. O. Box 19281
 Springfield, IL 62794-9281
 Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Permits to import feeder swine shall only be issued to:
- An Illinois licensed feeder swine dealer; and
 - A person importing pigs to feed on his own premises and not for resale other than to slaughter.

- 2) Applicant for permit shall furnish the following information to the Division:

- Name and address of Illinois destination.
- Name and address of consignor.
- Number of swine in shipment.

- 3) Grounds for refusal to issue a permit are:

- Violation of the Act or any rule of this Part.
- If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 201 et seq., ~~as amended by P.A. 87-1607-effective January 17, 1992~~) [225 ILCS 620] and his or her license is not in good standing with the Department.
- Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 105.30 Swine Entering Illinois for Breeding Purposes

- Swine for breeding purposes, except feral swine, may enter Illinois provided they are accompanied by an official health certificate.
- Official health certificate shall:
 - Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
 - Be approved by the Animal Health Official of the state of origin;
 - Identify each animal by registration number, ear tag, tattoo, or ear notch approved by the respective breed registry;
 - Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
 - Show that the swine are not from a quarantined herd and/or area;
 - Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free area (Swine Brucellosis Eradication Uniform Methods and Rules (March 1990 May 6, 1992 as amended February 2, 1993); as approved by the United States Animal Health Association, P.O. Box 241767 Suite 2057-6924-Lakeside-Avenue K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228)). Incorporation by reference does not include any amendments or editions beyond the date specified; and

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. _____, effective JAN 24 1994.

Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 501 et seq.) [510 ILCS 100].

"Feral swine" mean swine that have lived any part of their lives free roaming. Swine may loose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Tattoo" means a permanent mark in the right ear showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 24 1994.)

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or tattoo in the right ear showing state of origin and accompanied by a permit from the Division and an official health certificate.
- Official health certificate shall:
 - Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - Be approved by the Animal Health Official of state of origin;
 - Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
 - Show that the feeder swine are not from a quarantined herd and/or area;
 - List number and description of the feeder swine, and tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
 - Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80).

- Permits:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards (~~April-1989~~ January 1, 1993) as approved by the United States Animal Health Association (P.O. Box ~~281767--Suite 2857--6924--Bakertide--Avenue~~ K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228-0176). If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state. Incorporation by reference does not include any amendments or editions beyond the date specified.

c) Imported breeding animals shall be kept isolated until a A percentage of the imported breeding swine ~~shall be~~ are retested and negative to an official test for pseudorabies conducted not less than ~~30~~ 21 days nor more than 90 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Acquisition, Management and Disposal of Real Property

2) Code Citation: 44 Ill. Adm. Code 5000

3) Section Number: Adopted Action:

5000.250 New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, par. 63b13.2 [20 ILCS 405/67.02]

15) Effective Date of Amendments: JAN 21 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do the Amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: JAN 21 1994

9) Notice of Proposal Published in Illinois Register:

September 24, 1993, 17 Ill. Reg. 15217

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version:

Substituted the text "of Subparts A-D of this Part" in lieu of "any rules" in Section 5000.250(a)

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will the Amendment replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment

Current rules do not provide for suspension of the application of lease acquisition rules which would prevent, delay or hinder emergency real property lease transactions required to facilitate disaster response and recovery programs. The emergency rule corrects that situation

16) Information and questions regarding this adopted amendment shall be directed to

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE D: PROPERTY MANAGEMENT
CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section
5000.100 Authority
5000.110 Policy
5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section
5000.200 General Policy and Responsibility
5000.210 Requests for Space/Agency Responsibilities
5000.220 Acquisition Authority
5000.230 Acquisition Procedures
5000.240 Lease Administration
5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section
5000.300 Scope
5000.310 Area Measurement
5000.320 Space Planning Assistance
5000.330 Open Space
5000.340 Space Allowance and Standards
5000.350 Office Furnishing
5000.360 Handicapped Accessibility
5000.370 Vending Facilities/Blind Operations
5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section
5000.400 Assignment and Management by DCMS
5000.410 Assignment by Agencies
5000.420 Reviews and Appeal of Space Assignment Actions

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section
5000.430
5000.440
5000.450

Services Provided
Alterations
Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE OWNED AND LEASED PROPERTIES)

Section
5000.500
5000.510
5000.520
5000.530

Space Inspections and Surveys
Responsibility of Agencies
Release of Space Not Fully Utilized
Notice of DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section
5000.600
5000.610
5000.620
5000.630
5000.640
5000.650
5000.660

Excess Real Property Defined
Reports of Excess Real Property
Utilization of Excess Real Property
Charges for Use of Excess Property
Temporary Occupancy
Disputes
Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section
5000.700
5000.710
5000.720
5000.730
5000.740
5000.750
5000.760
5000.770
5000.780
5000.790
5000.800
5000.810
5000.820
5000.830
5000.840

Surplus Real Property Defined
Declaration of Surplus
Reporting Surplus Real Property
Notice of Availability to State Agencies
State Agency Requests for Surplus Real Property
Transfer Decisions
Transfer Procedures
Transfer to Department of Central Management Services
Subsequent Disposal
Sale of Surplus
Notice of Sale to Local Governments
Local Government Offer to Purchase
Public Sale
Public Sale Procedures
Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDINGS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section
5000.900
5000.910
5000.920
5000.930
5000.940
5000.950
5000.960
5000.970

Applicability
Definitions
Business Hours and Public Access
Prohibited Activities
Demonstrations
Exhibits and Special Events
Distribution of Leaflets and Solicitations of Funds, Voter Registration
and Signatures
Severability

APPENDIX A Space Standards

APPENDIX B Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b10.1) [30 ILCS 605/7.1], implementing and authorized by Sections 51, 67.02, 67.06, 67.07, 67.22 and 67.24 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 51, 63b13.2, 63b13.6, 63b13.7, 63b13.22 and 63b13.24) [20 ILCS 5/51, 20 ILCS 405/67.02, 20 ILCS 405/67.06, 20 ILCS 405/67.07, 20 ILCS 405/67.22 and 20 ILCS 405/67.24] and authorized by Section 6 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b9) [30 ILCS 605/6], implementing and authorized by Section 3.1 of the Public Officer Prohibited Activities Act (Ill. Rev. Stat. 1991, ch. 102, par. 3.1) [50 ILCS 105/3.1].

SOURCE Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984 for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993, emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10573, effective July 1, 1993; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days, amended at ____ Ill. Reg.

effective **JAN 21 1994**

Section 5000.250 Emergency Lease Procurement

- a) The Director may, upon good cause shown, suspend the application of Subparts A-D of this Part governing the acquisition of leased real property in the event of a natural disaster, including but not limited to fire, flood or other casualty, or agency action required by the order of a court of competent jurisdiction, where strict compliance with the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

applicable rule would result in consequences adverse to the best interests of the State.

- b) All requests for emergency suspension of applicable rules in a proposed lease transaction shall be accompanied by a written memorandum to the Director from the responsible leasing official setting forth the following:

- 1) A detailed description of the natural disaster or the requirements of a court order precipitating the request.
- 2) A detailed description of the proposed leasing transaction.
- 3) A narrowly drawn specification of the rule or rules sought to be suspended in application to the proposed leasing transaction.
- 4) A specific indication that no reasonable alternatives exist to the suspension of the rule or rules which would be in the best interests of the State.

- c) Prior to submission to the Director the written memorandum of request shall be reviewed and approved by DCMS legal counsel.

- d) The Director, after review of the memorandum of request, may grant the suspension sought, in whole or in part, with respect to the proposed lease transaction; provided, however, that such suspension shall apply only to leases with terms not to exceed 2 years in duration.

(Source: Added at 17 Ill. Reg. _____, effective JAN 21 1994.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Merit and Fitness

- 2) Code Citation: 80 Ill. Adm. Code 302

- 3) Section Numbers:
302.570
302.825
302.840
Adopted Action:
Amendment
Amendment
Amendment

- 4) Statutory Authority: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2 [20 ILCS 415/8a.2]; Ill. Rev. Stat. 1991, ch. 127, par. 63b108b.13 [20 ILCS 415/8b.13]; Ill. Rev. Stat. 1991, ch. 127, par. 63b108b.19 [20 ILCS 415/8b.19]

- 5) Effective Date of Amendments: JAN 25 1994

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do the Amendments contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: **JAN 25 1994**

- 9) Notice of Proposal Published in Illinois Register:

September 17, 1993, 17 Ill. Reg. 14788

- 10) Has JCAR issued a Statement of Objections to the Amendments? No.

- 11) Differences between proposal and final version:

As requested by the Administrative Code Division, the following changes were made:

Inserted SUBPART J heading before Section 302.570.

Section 302.570(b)(1) and (2) - relabeled to 302.570(b) and (c).

Section 302.570(c) relabeled to 302.570(d).

Inserted SUBPART L heading before Section 302.825.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302
MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section	Examinations
302.10	Time, Place, Conduct, Cancellation, Postponement and Suspension of
302.20	Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regrading Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	Eligible Lists
302.80	Appointments
302.90	Alternative Employment
302.91	Geographic Preference
302.100	Pre-Employment Screening
302.105	Appointment From Eligible List
302.110	Responsibilities of Eligibles
302.120	Removal of Names From Eligible Lists
302.130	Replacement of Names on Eligible List
302.140	Appointment and Status
302.150	Extension of Jurisdiction B
302.160	

SUBPART C: TRAINEES

Section	Programs
302.170	Appointments
302.175	Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 13) Will the Amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment:

Sections 302.570 and 302.825: On August 1, 1993, the Department filed emergency amendments to 80 Ill. Adm. Code 310, which established a new classification of Senior Public Service Administrator. The revisions to Section 302.570 and 302.825 are necessary to set forth the reemployment procedures to be followed for certified employees who have been laid off from the Senior Public Service Administrator classification.

Section 302.840: The revision to Section 302.840 will provide heads of agencies with more time to decide whether the appointment of an incumbent in a term position should be renewed. Currently, the agency head is to notify the employee of his/her decision within 30 days of the term expiration date. The revision will give the agency head up to 30 additional days.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	Definitions
302.190	Interruptions In Continuous Service
302.200	Deductions From Continuous Service
302.210	Leave of Absence for Educational Purposes
302.215	Veterans Continuous Service
302.220	Peace or Job Corps Enrollees Continuous Service
302.230	Accrual and Retention of Continuous Service During Certain Leaves
302.240	Limitations on Continuous Service
302.250	

SUBPART E: PERFORMANCE REVIEW

Section	Performance Records
302.260	Performance Evaluation Forms
302.270	

SUBPART F: PROBATIONARY STATUS

Section	Probationary Period
302.300	Certified Status
302.310	Status Change in Probationary Period
302.320	Intermittent Status
302.325	

SUBPART G: PROMOTIONS

Section	Eligibility for Promotion
302.330	Limitations On Promotions
302.335	Failure to Complete Probationary Period
302.340	

SUBPART H: EMPLOYEE TRANSFERS

Section	Transfer
302.400	Intra-Agency Transfer
302.410	Inter-Agency Transfer
302.420	Merit System Transfer
302.425	Geographical Transfer (Agency Directed)
302.430	Geographical Transfer (Agency Directed) Procedures
302.431	Notice To Employee
302.432	Effective Date of Geographical Transfer (Agency Directed)
302.433	Employee-Requested Geographical Transfer
302.435	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	Rights of Transferred Employees
302.440	Transfer of Duties
302.445	Limitations on Transfers
302.450	Employee Records
302.460	

SUBPART I: DEMOTION

Section	Demotion
302.470	Notice to Employee
302.480	Employee Obligations
302.490	Salary and Other Benefits of Employee
302.495	Appeal by Certified Employee
302.496	Demotion of Other Employees
302.497	Status of Demoted Employees
302.498	

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section	Voluntary Reduction of Certified and Probationary Employees
302.500	Limitations in Voluntary Reduction
302.505	Definition of Layoff
302.507	Temporary Layoff
302.510	Use of Accrued Benefits During Temporary Layoff
302.512	Notice of Temporary Layoff
302.514	Return from Temporary Layoff
302.516	Scheduling of Temporary Layoffs
302.518	Deferral of Wages
302.519	Indeterminate Layoff Procedure
302.520	Voluntary Indeterminate Layoff
302.523	Disapproval
302.525	Order of Layoff
302.530	Effective Date of Layoff
302.540	Employee Opportunity to Seek Voluntary Reduction
302.550	Order of Preference in Voluntary Reduction
302.560	Reemployment Lists
302.570	Employment From Reemployment List
302.580	Removal of Names From Reemployment List
302.590	Laid Off Probationary Employee
302.595	Appeal by Employee
302.596	Reinstatement from Layoff
302.597	Resignation
302.600	Reinstatement
302.610	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b101 et seq.) [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 554, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendments at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendments at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at ___ Ill. Reg. ___, effective JAN 3 5 1994.

SUBJECT J: VOLUNTARY REDUCTION AND LAYOFFS

Section 302.570 Reemployment Lists

- a) The Department shall establish and maintain a reemployment list, by class and agency and county, or other designated geographical area approved by the Director before layoff. A certified employee except an employee who is in the Senior Public Service Administrator class who is covered by (b) and (c) below, who has been indeterminately laid off shall be placed in order of length of continuous service as defined in Section 302.190 on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties) and agency, and county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: DISCHARGE AND DISCIPLINE

Section	
302.625	Definition of Certified Employee
302.626	Progressive Corrective Discipline
302.628	Prohibited Disciplinary Action
302.630	Disciplinary Action Warning Notice
302.640	Suspension Totalling Not More Than Thirty Days in any Twelve Month Period
302.660	Suspension Totalling More than Thirty Days in any Twelve Month Period
302.670	Approval of Director of Central Management Services
302.680	Notice to Employee
302.690	Employee Obligations
302.700	Cause for Discharge
302.705	Pre-Termination Hearing
302.710	Suspension Pending Decision on Discharge
302.720	Discharge of Certified Employee
302.730	Notice to Employee
302.750	Appeal by Employee
302.780	Discharge of Probationary Employees
302.781	Reinstatement from Suspension or Discharge
302.785	Suspension or Discharge Resulting From Arrest or Criminal Indictment
302.790	Prohibition of Discrimination

SUBPART L: TERM APPOINTMENTS

Section	
302.800	Definition of Terms
302.810	Positions Subject to Term Appointments
302.820	Appointment
302.821	Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
302.822	Appointees Under Term Appointments
302.823	No Promotion to Positions Covered by Term Appointments (Repealed)
302.824	No Reallocation to Term Positions
302.825	Reemployment Rights to Term Appointment
302.830	Expiration of Term Appointment
302.840	Renewal Procedures
302.841	Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
302.842	Effective Date of Reappointment or Termination (Repealed)
302.846	Change in Position Factors Affecting Term Appointment Exclusion
302.850	Reconsideration Request
302.860	Renewal Procedure for Incumbents Subject to Public Act 83-1369

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) Certified employees who have been laid off from the Senior Public Service Administrative classification will be placed on the appropriate reemployment list for the Senior Public Service Administrator based on the option designation for the position from which the employee was laid off.
- c) An agency will not be required to consider any employee who does not have the necessary qualifications for reemployment to a particular Senior Public Service Administrator position, or who was not at the same or higher organizational level as the position being filled. If an agency makes such a determination, this must be documented and submitted to the Department of Central Management Services.

- d) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 302.610.

(Source: Amended at ____ Ill. Reg. ____, effective JAN 2 5 1994)

SUBPART L: TERM APPOINTMENTS

Section 302.825 Reemployment Rights to Term Appointment

No employee with reemployment rights granted under Section 302.570 shall be recalled to a position under Term Appointment, unless the employee has previously been appointed to a four year term. Said reemployment rights shall be limited to the term appointment position held at time of layoff except that an employee laid off from a Senior Public Service Administrator position may also be eligible for reemployment to other related positions in the Senior Public Service Administrator classification pursuant to Section 302.570(b).

(Source: Amended at ____ Ill. Reg. ____, effective JAN 2 5 1994)

Section 302.840 Renewal Procedures

- a) At least sixty (60) days prior to the termination of a Term Appointment the Director shall notify the Director or Chairman of the Department, Board or Commission and the employee, that the incumbent's term automatically expires on the last calendar day preceding the fourth anniversary of the appointment date unless the Director or Chairman renews the "Term Appointment". The Director or Chairman will notify the employee, in writing, at least 30 calendar days prior to the expiration of the term of the intention to renew or not to renew the appointment. A copy of said letter shall be sent to the Director of Central Management Services.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) The Director or Chairman shall advise the Director of Central Management Services in writing, whether the employee's term has been renewed or allowed to expire automatically. Failure to notify the Director of Central Management Services 30-days prior to the expiration of the appointment shall be deemed termination by the employing Director or Chairman.

(Source: Amended at ____ Ill. Reg. ____, effective JAN 2 5 1994)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT (S)

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: Adopted Action:
250.110 Amended
- 4) Statutory Authority: Implementing and authorized by the State Universities Civil Service Act (Ill. Rev. Stat. 1991, ch. 24 1/2, par. 38b1 et seq.) [110 ILCS 706]
- 5) Effective date of rule: **JAN 21 1994**
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date filed in agency's principal office: January 19, 1994
- 9) Notice of proposal published in Illinois Register:
October 22, 1993, 17 Ill. Reg. 18453
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference between proposal and final version:
Section 250.110(e)(1)(B) and (C): insert "subsection" with the references to "(1)(A) above".
Subsection (e)(2)(B): change "paragraph" to "subsection (e)(2)(A)".
Subsection (f)(1)(E)(iii): change "paragraph" to "subsection (ii) above".
Subsections (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), (e)(7), and (e)(8): Developed headings for these subsection levels.
Amended Authority Note by deleting "AN ACT to create the" and replaced with "the"; deleted "system" and replaced with "Act"; deleted "/36b et seq." and replaced with "6"; and added a period at the end of the sentence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule replace emergency rule currently in effect? No.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT (S)

- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of Amendments: The purpose of this proposal is to increase the notification period for the layoff of employees from 15 working days to 30 calendar days.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Emil G. Peterson, Deputy Director
State Universities Civil Service System
1717 South Philo Road, Suite 24
Urbana, Illinois 61801
(217) 333-3150

The full text of the Adopted Amendments begins on the next page:

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	
250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act (Ill. Rev. Stat. 1991, ch. 24 1/2, par. 38b1 et seq.) [110 ILCS 706].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. _____, effective _____.

JAN 21 1994

Section 250.110 Separations and Demotions

- a) Resignation. An employee, having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting his signed resignation to his employer. An employee having a nonstatus appointment, as described in Section 250.70, may be terminated by his employer upon completion of his work assignment.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

The Director shall be notified promptly by the employer of all resignations and terminations.

b) Leave of Absence.

- 1) The Director shall be notified promptly by the employer of all leaves of absence, military, disability, or otherwise, granted, including dates of beginning and completion of such leave which exceeds 30 calendar days of non-pay status.
 - 2) A status employee, who because of disability, becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois state retirement system to which the employee contributes, shall be granted a leave of absence for the period for which the employee is eligible to receive such benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the retirement system, and shall be entitled to return to a position in the employee's class without any loss of status due to such disability leave, providing the employee returns upon the expiration of all disability benefits to which entitled. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but because of the employee's disability is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the System.
- 3) An employer with the concurrence of two licensed physicians, one of whom to be of the employee's choice, may make the following determinations:
- A) If an employee is no longer able to perform the duties and responsibilities of the position in the class due to a disability, the employee will be required to take disability leave; or
 - B) If an employee at the time of expiration of a leave for disability has exhausted all potential benefits and is unable to resume the duties and responsibilities of a position in the class, employment may be terminated unless an employer and the employee agree on employment in a more suitable classification; or
 - C) If an employee, at the time of expiration of leave for disability, is unwilling to return to the position from which he/she is on leave, the employee may resign or employment may be terminated.

If there is a difference of opinion, a third outside physician will be selected by the two physicians. The employer shall so notify the employee and the Director in writing for all of the

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

above actions.

4) A status employee shall be granted a leave of absence for pregnancy whenever the required duties of the position occupied by the employee are incompatible with the state of pregnancy, as determined by the employer, and such leave shall continue until competent medical opinion indicates that the employee is able to return to work in a position in the class in which the employee was employed prior to the leave.

5) A status employee who accepts a position which represents a promotion in a class outside his promotional line shall be granted a leave from a position of his former class for the duration of the probationary period in the new class.

6) An employee placed on Disciplinary Suspension or on Suspension Pending Discharge shall be placed on a leave of absence from his position.

c) Layoff.

1) The Director shall be notified promptly of all employees on layoff status, together with date of beginning of layoff, and of return to employment from layoff status, when such layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 15 working 30 calendar days in advance of the effective date of layoff, when such layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.

2) Whenever it becomes necessary to lay off one or more employees, except as provided in Section 250.110(c)(3), the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.

3) An employee, who is the incumbent of a position for which the Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position which has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.

4) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

5) A status employee who is subject to layoff from a part-time position, may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee, who is subject to layoff, may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment providing the full-time employee has more accrued seniority.

6) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of date of layoff.

d) Disciplinary Suspension.* An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.

1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Personnel Director or his designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.

2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Director of the System and shall send a copy of the notice served on the employee, along with proof of service, to the Director.

3) Causes justifying suspension, not for discharge, shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting and "loafing on the job."

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution but is not reviewable by the Civil Service System.

e) Discharge Proceedings and Effective Date of Discharge.

1) Pre-discharge proceedings.

A) Prior to initiating any proceedings before the Merit Board for the discharge of an Employee, the Employer shall notify the Employee in writing, served upon the Employee in person

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

if the Employee is present on the job, otherwise by certified mail to the most recent address of the Employee as shown on the Employer's records, of the Employer's intention to initiate such proceedings. The notification shall advise the Employee of the substance of the charges proposed to be filed in sufficient detail to inform the Employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the Employee that either or both of the following options are available to the Employee:

- i) the Employee may require the Employer to hold a conference with the Employee or his representative within three work days of service of the Employer's notification for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and
- ii) within three work days of service of notification, the Employee may deliver to the Employer a written response to the matters contained in the Employer's notification; provided that if the Employee elects to require the conference identified in option (i), at such conference the Employee may request and receive an opportunity to respond further in writing within three work days after the conclusion of such conference.

B) Within 7 work days after compliance with the provisions of subsection (1)(A) above, the Employer shall either (i) notify the Employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the Employee based solely on the matters contained in the Employer's notification, or (ii) initiate proceedings before the Merit Board under this Section 250.110(e) seeking discharge of the Employee based solely on the matters contained in the Employer's notification. The Employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the Employer from imposing a suspension in accordance with Section 250.110(d) or some lesser penalty.

C) An Employee who has been served with an Employer's notification as provided in subsection (1)(A) above may be placed on excused absence with pay during all or any part of the period covered by Section 250.110(e)(1) to provide the Employer an opportunity to investigate serious charges.

2) Actual Discharge Proceedings.

A) Proceedings before the Merit Board seeking the discharge of an Employee shall be initiated by the Employer filing with the Merit Board Written Charges for Discharge setting forth the causes for discharge in sufficient detail to inform the

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

Employee of the nature of the conduct on which the charges are based. The Written Charges shall be accompanied with a certification by the Employer that all procedures set forth in paragraph (e)(1) of this Section have been followed and that there has been full compliance with any options elected thereunder by the Employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the Employer shall serve copies thereof upon the Employee in person if the Employee is present on the job, otherwise by certified mail to the most recent address of the Employee as shown on the Employer's records, and the Employer shall file a proof of such service with the Merit Board.

B) An Employee who has been served with Written Charges for Discharge in accordance with paragraph subsection (e)(2)(A) above may be suspended without pay by the Employer during all or any part of the period that the discharge proceeding is pending, and until final disposition thereof, if the Employer is of the opinion that the Employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on Employer's operations. Any such suspension without pay shall become effective on the date the Employer serves Written Notice of Suspension upon the Employee, which may be served with the Written Charges for Discharge or on any date thereafter. Such service shall be upon the Employee in person if the Employee is present on the job, otherwise by certified mail to the most recent address of the Employee as shown on the Employer's records, and the Employer shall file with the Merit Board a copy of the Written Notice of Suspension and proof of service thereof.

3) Hearing Request.

A) An Employee who has been served with Written Charges for Discharge may request a hearing thereon by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days of the date of personal delivery or mailing of the Written Charges for Discharge to the Employee. The Secretary for the Merit Board shall immediately notify the Employer of the filing of such written request by the Employee. Thereafter, further proceedings shall be as hereafter provided in this Section 250.110(e) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in such order.

B) If the Employee does not file a written request for hearing with the Secretary for the Merit Board within said 15 calendar days, the Employee's discharge shall become effective at the end of such 15-day period without further action by the Merit Board. The Secretary for the Merit

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

of record a notice that the Hearing Record has been certified and a copy of the Hearing Record. Any objections to the form or contents of the Hearing Record, briefs, abstracts, or excerpts from the Hearing Record, arguments, motions, or recommendations, relating to the proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days from the date of the postmark of the certified mail notice that the Hearing Record has been certified, with proof of service thereon on all parties. No answer or reply briefs and arguments will be permitted unless expressly authorized by the Merit Board or its Chairman. Personal appearances before the Merit Board on any matter relating to a particular discharge proceeding will be granted only by express consent and prior order of the Merit Board after due notice to all parties.

- 5) Decision of the Merit Board. The Merit Board shall enter findings of fact and shall order discharge or reinstatement of an employee with no loss of compensation, or make such other order as it deems appropriate. In the course of reaching their decision, the Merit Board may request the Director to make such recommendations as he may deem appropriate with respect to the discharge proceedings. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the Employer and the Employee by certified mail. Request for a rehearing, or for a reconsideration of a Merit Board order or decision, shall not extend any appeal period for administrative review, except by express order of the Merit Board or its Chairman.

- 6) Time Period Proceedings.

A) On the motion of either party with notice to the other party, or by independent action of the Chairman of the Merit Board or the Director communicated to both parties, any time period set forth in this Section 250.110(e) may be extended by the Chairman of the Merit Board or by the Director for good cause shown, provided that no such extension may be beyond a period established by Statute.

B) The time periods set forth in this Section 250.110(e), except for the 15-day period set forth in paragraph (3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this Section 250.110(e), except for the 15-day period set forth in paragraph (3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

Board shall promptly notify the Employer of the Employee's failure to file a timely written request for hearing.

- 4) Hearing Proceedings.

A) Upon receipt of the Employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board to hear the charges and the Employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Director or his authorized representative. The Director, the Hearing Board, the Employee and the Employer shall all make good faith efforts to commence the hearing within 10 calendar days of receipt of the Employee's written request for hearing, but in no event shall such hearing commence later than 45 days after service of the Written Charges for Discharge. Dilatory tactics or actions will not be permitted and the Director, the Hearing Board, the Employee and the Employer shall all make good faith efforts to conduct the hearings in no more than three hearing days, unless justice and fair play require otherwise. A transcript of the hearings, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.

B) Within 15 calendar days of the receipt of the transcript from the Secretary for the Merit Board, the Hearing Board shall file its findings of fact and any other recommendations with the Secretary, unless such time is extended by the Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions which prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Director will either appoint another approved Hearing Board which will then review the record and submit findings of fact within 10 calendar days of the appointment, or the Director will give written notice to all Hearing Board members and to all parties to the proceeding that he will, within 10 calendar days, discontinue the hearing and commence new hearings and the present Hearing Board will be dismissed without pay. Within this 10-day period following the Director's notice, the Hearing Board can appeal to the Director by showing cause why time should be extended.

C) The Director shall certify as the Hearing Record the Written Charges for Discharge, the Employee's request for hearing, the transcript and exhibits and the Hearing Board's findings of fact and other recommendations.

D) Upon such certification, the Secretary for the Merit Board shall, by certified mail, immediately forward to all parties

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

7) Reason for Discharge. Causes justifying discharge and any suspension during the discharge shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct which violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

8) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies thereof to parties to the proceedings shall be paid by the Employer. The Merit Board shall pay all expenses of the Hearing Board members and any legal expenses incurred by a Hearing Board, to the extent that such expenses have been approved by the Merit Board or its Director.

f) Demotion.

1) A demotion may occur when a status employee:

A) is subject to a reduction in salary in his current position, or in a position of the same class to which he has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;

B) is subject to a reduction in percentage of time worked;

C) is appointed to a position in a lower class in a promotional line;

D) is appointed to a position in a class outside a promotional line with a lower pay potential;

E) is given a nonstatus appointment.

i) Any of the above actions is considered to be a demotion when such action has been initiated by the employer.

ii) Such an action is not considered to be a demotion when such action has been initiated, or has been willingly accepted, by the employee. Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his request and/or is acceptable to him, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his most recent position.

iii) Without the evidence indicated in **paragraph** subsection (ii) above, the action will be considered to have been

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

initiated by the employer and, therefore, will be considered to be a demotion.

2) An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of said Notice of Demotion on the employee by certified mail, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See Section 250.110(e).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he has been demoted as set forth in the Notice of Demotion.

3) A status employee, who is demoted to a position in a class in which he has never been employed on a status appointment, may qualify for the position to which he is demoted, if his name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. Such employee must pass such examination as a condition to his retaining his appointment.

g) Dismissal.

1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position, except those specified in Section 250.110(h)(2) and (3), at any time during the probationary period of employment in a class, if the employer determines, pursuant to conditions of Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.

2) The employer shall notify the Director promptly of dismissals, setting forth the reasons for such action.

h) Termination.

1) A notice of termination of employment shall be used by the employer to report completion of services of a temporary, or provisional employee, retirement of an employee, death of an employee, and/or the determination of the employer that an employee is unable to resume his duties at the expiration of a leave of absence in accordance with Section 250.110(b)(3).

2) An employer may terminate an Apprentice, a Trainee, or a Learner at any time during the period of training.

3) The employer shall notify the Director promptly of all terminations of employment, setting forth the reasons for such action.

(Source: Amended at 18 Ill. Reg. _____, effective

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

JAN 21 1994

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Accounting and Financial Record Requirements
- 2) Code Citation: 92 Ill. Adm. Code 1376
- 3) Section Numbers: Adopted Action:
1376.10 New Section
1376.20 New Section
1376.30 New Section
1376.40 New Section
- 4) Statutory Authority: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of The Illinois Commercial Transportation Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18c-1202(4) and (9)) [625 ILCS 5/18c-1202(4) and (9)].
- 5) Effective Date of Rules: February 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 1, 1994
- 9) Notice of Proposal Published in Illinois Register:
June 18, 1993, at 17 Ill. Reg. 8630.
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version:
The language "unless otherwise authorized by the Commission in writing" was added to Section 1376.30(a). In addition, the language "or, in the case of income from a leasee, other documentation which evidences the revenue received" was added to Section 1376.30(f). This language appears in italics in the attached second notice text.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes were necessary.
- 13) Will this replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

15)

Summary and Purpose of Rule:

The Commission's accounting rules for motor carriers (found at 92 Ill. Adm. Code 1375), which are being repealed concurrent with the adoption of this rule, set forth a rigid system of accounts to be followed by carriers in keeping their business records. These rules will allow carriers the flexibility of keeping their books in accordance with generally accepted accounting principles as long as the motor carrier records can be identified and reported for purposes of auditing and enforcement by the Commission.

16)

Information and questions regarding this adopted shall be directed to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-4869

The full text of the Adopted begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS

PART 1376

ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

Section

1376.10 Generally Accepted Accounting Principles
1376.20 Classification of Carriers
1376.30 Records
1376.40 Examination and Audit

AUTHORITY: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18c-1101 et seq.) [625 ILCS 5/18c-1101 et seq.].

SOURCE: Adopted at 18 Ill. Reg. , effective **FEB 01 1994** .

Section 1376.10 Generally Accepted Accounting Principles

a) All Illinois Commerce Commission licenses common or contract motor carriers of property, and each receiver, trustee, executor, administrator, or assignee of any such carrier shall comply with generally accepted accounting principles for use in the keeping and recording of their accounts and bookkeeping records.

b) As generally accepted accounting principles, the commission incorporates by reference "Accounting Standards" (June 1992) of the Financial Accounting Standards Board and any subsequent revisions thereof.

Section 1376.20 Classification of Carriers

For the purpose of accounting and reporting regulations, common and contract carriers of property by motor vehicle subject to the Illinois Commerce Commission (Intrastate authority) are grouped into the following four classes:

a) Class I - Carriers having annual gross operating revenues (including interstate and intrastate) of \$5 million or more from motor carrier operations.

b) Class II - Carriers having annual gross operating revenues (including interstate and intrastate) of \$1 million, but less than \$5 million, from motor carrier

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

operations.

- c) Class III - Carriers having annual gross operating revenues (including interstate and intrastate) of \$100,000, but less than \$1 million, from motor carrier operations.
- d) Class IV - Carriers having annual gross operating revenues (including interstate and intrastate) of less than \$100,000 from motor carrier operations.

Section 1376.30 Records

- a) Each carrier shall keep its general accounting books and all other books, records and memoranda which support in any way the entries to such accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures must be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred. All revenues must be supported by freight bills or, in the case of income from a leasee, other documentation which evidences the revenue received.

- b) The books referred to in this Part include not only books of account in a limited technical sense but all other correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

- c) Every motor carrier engaged directly or indirectly in any other than a transportation business shall keep separate and distinct records for the transportation operation.

- d) Each carrier shall keep its books on the basis of an accounting year of 12 months ending on the 31st day of December of each year.

- e) Such books, accounts, records or memoranda shall be preserved for a period of at least three years.

- f) Unless otherwise authorized by the Commission in writing, each motor carrier shall have an office in this State and shall keep in said office all such books, accounts,

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

papers, records and memoranda as listed in Section 1376.30(a) above.

Section 1376.40 Examination and Audit

Officers and employees of the Commission shall have the authority under the direction of the Commission to inspect, examine, copy and reproduce any and all books, accounts, papers, records and memoranda kept by such motor carrier, authorized personnel or motor carrier agent.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Imputation
- 2) Code Citation: 83 Ill. Adm. Code 792
- 3) Section Numbers: Adopted Action:

792.10	New Section
792.20	New Section
792.30	New Section
792.40	New Section
792.50	New Section
- 4) Statutory Authority: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-505.1 and 10-101)[220 5/13-505.1 and 10-101].
- 5) Effective Date of Rules: February 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rules contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 12, 1994
- 9) Notice of Proposal Published in Illinois Register:
July 30, 1993, at 17 Ill. Reg. 11988
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version:
Section 792.30(a): "the effective date of this Part" replaced with "February 1, 1994."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
- 13) Will these rules replace emergency rules currently in effect?
No.
- 14) Are there any amendments pending on this Part? No.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: These rules will implement Section 13-505.1 of the Public Utilities Act, which requires an imputation test to determine whether the aggregate revenue for each competitive telecommunications service exceeds the costs to be imputed for each service based on the carriers own routing agreements.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Rules begins on the next page:

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER f: TELEPHONE UTILITIES

PART 792
 IMPUTATION

Section	Carriers Subject to Imputation Rules
792.10	Services Subject to Imputation
792.20	When an Imputation Test Must Be Filed
792.30	Minimum Filing Requirements for an Imputation Test
792.40	Proprietary Treatment
792.50	

AUTHORITY: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-505.1 and 10-101, as amended by P.A. 87-856, effective May 14, 1992)[220 ILCS 5/13-505.1 and 10-101].

SOURCE: Adopted at Ill. Reg. , effective February 1, 1994.

Section 792.10 Carriers Subject to Imputation Rules

This Part applies to any telecommunications carrier ("carrier") providing both competitive and noncompetitive telecommunications services, as specified in Section 13-505.1 of the Public Utilities Act ("Act")(Ill. Rev. Stat. 1991, ch. 111 2/3, par. 13-505.1, as amended by P.A. 87-856, effective May 14, 1992)[220 ILCS 5/13-505.1], except those carriers that are specifically exempted in Section 13-504(b) of the Act.

Section 792.20 Services Subject to Imputation

A telecommunications service ("service"), as defined in Section 13-203 of the Act, is subject to imputation if it meets the description of subject services in Section 13-505.1 of the Act.

Section 792.30 When an Imputation Test Must Be Filed

- a) Initial tests. A subject carrier shall file with the Illinois Commerce Commission ("Commission") a list of all services, specifying those services that are subject to the requirements of Section 13-505.1 of the Act and filing an imputation test for each such subject service. Initial imputation tests, unless previously filed in another proceeding, must be filed with the Commission within 90 days after February 1, 1994. After notice and

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

hearing, the Commission shall issue an order determining whether the initial imputation test for each subject service and the result of such test satisfy the requirements of Section 13-505.1 of the Act. The Commission shall make its determination and issue its final order within 120 days or, if previously filed in another proceeding, as part of the order in that proceeding. The 120 day requirement, if applicable, may be extended by written agreement of all parties to the proceeding.

- b) Subsequent tests. After the filing of the initial imputation test, an imputation test must be filed whenever a new service is subject to Section 13-505.1 of the Act or an existing service becomes subject to Section 13-505.1 of the Act. Such test shall be revised or updated under the following circumstances:

- 1) When any tariff is filed reclassifying a noncompetitive service as a competitive service that is subject to imputation;
- 2) When any tariff is filed that reduces rates for a service that is subject to imputation under Section 13-505.1 of the Act; and
- 3) When any tariff is filed that increases rates for a noncompetitive service or a noncompetitive service element, or its functional equivalent, which is utilized in providing a service subject to imputation.

- c) When the list of services subject to imputation changes, such revisions shall be filed with the Director of the Telecommunications Department in the Public Utilities Division of the Commission.

Section 792.40 Minimum Filing Requirements for an Imputation Test

- a) Any imputation test filed with the Commission shall include the following:
- 1) For each service subject to imputation, a list of noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 2) . For each service subject to imputation, an illustration or description of the service, identifying the noncompetitive services and noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;
- 3) For each service subject to imputation, a description of the underlying methods, assumptions, mathematical formulas, and level of disaggregation of data that will be used in performing the imputation test. The underlying methods, assumptions, mathematical formulas, and level of disaggregation of data used in an imputation test shall be consistent with Section 13-505.1 of the Act, where the imputed costs of a service are defined as the sum of the following:
 - A) Specifically tariffed premium rates for the noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;
 - B) The long-run service incremental costs of facilities and functionalities that are utilized but not specifically tariffed; and
 - C) Any other identifiable, long-run service incremental costs associated with the provision of the service (Section 13-505.1 of the Act); and

4) The results of the imputation test.

- b) Any imputation test filed in compliance with subsection (a)(3) above shall comply with the requirements for long-run service incremental cost studies in 83 Ill. Adm. Code 791.

Section 792.50 Proprietary Treatment

Any numerical data and results contained in the imputation test and any subsequent revisions shall be accorded proprietary treatment under the Commission's Rules of Practice (83 Ill. Adm. Code 200).

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Reinstatement of Revoked Operating Authority
- 2) Code Citation: 92 Ill. Adm. Code 1236
- 3) Section Numbers: Adopted Action:
1236.10 New Section
- 4) Statutory Authority: Implementing Section 18c-1704 and authorized by Section 18c-1202(9) of The Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 18c-1101 et seq.) [625 ILCS 5/18-1704 and 18c-1202(9)].
- 5) Effective Date of Adopted Rules: February 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this adopted rule contain incorporations by reference?
No
- 8) Date Filed in Agency's Principal Office: February 1, 1994
- 9) Notice of Proposal Published in Illinois Register:
June 25, 1993, at 17 Ill. Reg. 9167
- 10) Has JCAR issued a Statement of Objections to this rulemaking?
No
- 11) Difference(s) between proposal and final version: There are no differences between the proposal and the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There were no changes.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Rule:
This rulemaking establishes the criteria for the Commission to consider when reinstating revoked operating authorities.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

16) Information and questions regarding this adopted rule shall be directed to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-4869

The full text of the Adopted Rule begins on the next page:

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1236
REINSTATEMENT OF REVOKED OPERATING AUTHORITY

Section
1236.10 Reinstatement of Revoked Operating Authority

AUTHORITY: Implementing Section 18c-1704 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18c-1101 et seq.) [625 ILCS 5/18c-1704 and 18c-1202(9)].

SOURCE: Adopted at 18 Ill. Reg. , effective **FEB 01 1994**.

Section 1236.10 Reinstatement of Revoked Operating Authority

An intrastate common or contract authority which has been voluntarily revoked or which has been revoked by operation of law in accordance with the provisions of Section 18c-1704 of the Illinois Commercial Transportation Law ("the Law") (Ill. Rev. Stat. 1991, ch. 95 1/2, pars 18c-1704) [625 ILCS 5/18c-1704] shall be reinstated subject to the provisions listed below.

- a) A petition to reinstate must be filed with the Commission within one year of the revocation date. The Commission will not consider a petition for reinstatement that is not timely filed.
- b) The petition to reinstate must be accompanied by the required reinstatement fee.
- c) If the authority was revoked by operation of law, the condition for which the authority was revoked must have been remedied at the time the petition to reinstate is filed.
- d) All other conditions for continued good standing (rates, insurance, annual report, etc.) must be met at the time the petition to reinstate is filed.
- e) A petition for reinstatement which is timely filed, but which is filed in regards to an authority for which payment of a monetary settlement or civil penalty assessment is delinquent, will be held pending payment of the full settlement or assessed amount.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) The Heading of the Part: Uniform System of Accounts

2) Code Citation: 92 Ill. Adm. Code 1375

3) Section Numbers: Adopted Action:

1375.10 Repeal
 1375.15 Repeal
 1375.20 Repeal
 1375.30 Repeal
 1375.40 Repeal
 1375.50 Repeal
 1375.60 Repeal
 1375.80 Repeal
 1375.85 Repeal
 1375.1000 Repeal
 1375.1010 Repeal
 1375.1020 Repeal
 1375.1030 Repeal
 1375.1040 Repeal
 1375.1050 Repeal
 1375.1060 Repeal
 1375.1070 Repeal
 1375.1080 Repeal
 1375.1090 Repeal
 1375.1100 Repeal
 1375.1110 Repeal
 1375.1120 Repeal
 1375.1130 Repeal
 1375.1140 Repeal
 1375.1150 Repeal
 1375.1160 Repeal
 1375.1170 Repeal
 1375.2010 Repeal
 1375.2020 Repeal
 1375.2030 Repeal
 1375.2040 Repeal
 1375.2050 Repeal
 1375.2060 Repeal
 1375.2070 Repeal
 1375.2080 Repeal
 1375.3010 Repeal
 1375.3020 Repeal
 1375.3030 Repeal
 1375.4010 Repeal
 1375.5010 Repeal
 1375.6010 Repeal
 1375.6020 Repeal

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1375.6030 Repeal
 1375.7010 Repeal
 1375.7020 Repeal
 1375.7030 Repeal
 1375.7040 Repeal
 1375.7050 Repeal
 1375.7060 Repeal
 1375.7070 Repeal
 1375.7080 Repeal
 1375.7090 Repeal
 1375.7100 Repeal
 1375.7110 Repeal
 1375.7120 Repeal
 1375.7130 Repeal
 1375.7140 Repeal
 1375.7150 Repeal
 1375.7160 Repeal
 1375.7170 Repeal
 1375.7175 Repeal
 1375.7180 Repeal
 1375.7190 Repeal
 1375.7200 Repeal
 1375.7210 Repeal
 1375.7220 Repeal
 1375.7230 Repeal
 1375.7240 Repeal
 1375.7250 Repeal
 1375.7260 Repeal
 1375.8100 Repeal
 1375.8110 Repeal
 1375.8120 Repeal
 1375.8130 Repeal
 1375.8140 Repeal

4) Statutory Authority: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of The Illinois Commercial Transportation Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18c-1202(4) and (9)) [625 ILCS 5/18c-1202(4) and (9)].

5) Effective Date of Repealer: February 1, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 1, 1994

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: 226.525 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, pars. 14-1.01 et seq. and 2-3.6 [105 ILCS 5/14-1.01 et seq. and 2-3.6]
- 5) Effective Date of Rules: JAN 24 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: January 14, 1994.
- 9) Notice of Proposal Published in Illinois Register:
August 13, 1993; 17 Ill. Reg. 13231.
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposal and final version: The only difference between the proposal and the final version is found in the authority note. The citation to the Illinois Compiled Statutes has been changed to conform to direction received from the Code Division since publication of the proposal.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued; no changes were made.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
226.564	Amendment	17 Ill. Reg. 18405
226.640	Amendment	17 Ill. Reg. 18405
226.680	Amendment	17 Ill. Reg. 18405

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 9) Notice of Proposal Published in Illinois Register:
June 18, 1993, at 17 Ill. Reg. 8635.
- 10) Has JCAR issued a Statement of Objections to this? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of repealer:
This Part is being repealed and replacement by a new Part.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Kathy Campbell
 Illinois Commerce Commission
 527 East Capitol Avenue
 P.O. Box 19280
 Springfield, IL 62794-9280
 (217) 785-4869

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 226.688 Amendment 17 Ill. Reg. 18405
 226.690 Amendment 17 Ill. Reg. 18405
- 15) Summary and Purpose of Amendments: The amendment to Section 226.525 restores an earlier requirement for parental consent for any evaluation of a child in connection with special education, including the triennial reevaluation school districts are obligated to conduct under federal regulations. This action reverses amendments promulgated late in 1990 which would have permitted districts to proceed without parental consent under certain circumstances but whose implementation was enjoined. The settlement agreement entered into by the State Board of Education to resolve Price and Zaragoza v. Illinois State Board of Education and Robert Leininger includes the reversal of the 1990 rule.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Vaughn Morrison
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
 Telephone: (217) 782-6601

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section
 226.5 Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section
 226.10 Cost to be Borne by Local School District
 226.20 Comprehensive Program of Special Education
 226.30 Cooperative Special Education Programs
 226.40 Rights of Children Requiring Special Education-
 Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

Section
 226.110 Educational Needs to be Met
 226.115 Continuum of Program Options
 226.120 Ages for Which Programs are to be Available
 226.125 Least Restrictive Environment
 226.130 Facilities for Classes for Handicapped
 226.135 Written Policies for Handicapped Students' Records
 226.140 Director of Special Education
 226.145 Supervision
 226.150 Role of Local District Administrator
 226.155 Responsibilities to Be In Writing
 226.160 Approval of Programs and Services Not in Compliance
 With this Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

Section
 226.210 Design of Special Education Instructional Programs
 226.215 Curriculum for Instructional Programs
 226.220 Factors to Consider in Developing Instructional
 Programs
 226.225 Instructional Class Size

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

226.230 Integration of Student Into Standard Program
226.240 Special Education Resource Programs

SUBPART E: SPECIAL EDUCATION RELATED SERVICES

Section
226.250 Related Services to be Provided by School District
226.260 Other Related Services
226.270 Student Based Objectives
226.280 Specific Objectives
226.290 Time Spent on Behalf of Students

SUBPART F: PREVOCATIONAL PROGRAM

Section
226.310 Provision of Prevocational Programs
226.315 Determination of Need for Prevocational Program
226.320 Vocational Plan
226.325 Community Work Experiences
226.330 Time Spent in Community Work Experiences
226.335 Supervision of Community Work Experiences
226.340 Coordination With Other Vocational Programs

SUBPART G: HOME OR HOSPITAL PROGRAM

Section
226.350 Content of Home and Hospital Programs
226.355 To Whom Provided
226.360 Commencement
226.365 Amount of Instruction and Related Service
226.370 Scheduling
226.375 Summer Instructional Service
226.380 Conferences to Facilitate Student's Return
226.385 Improper Use of Home and Hospital Program

SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section
226.410 Referral to State or Private Facilities
226.415 Availability of Community Resources
226.420 Residential Placement
226.425 District's Responsibility to Locate Alternate Programs
226.430 Local District Responsible for Payment When Private Facility is Utilized
226.435 Annual Approval of Private Placements
226.440 Agreement Between Local School District and Private Facility
226.442 Supportive Data to be Maintained

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

226.445 Transportation and Other Services
226.450 Monitoring of Student Progress by School District
226.460 Annual Transportation (Repealed)

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF EXCEPTIONAL CHILDREN

Section
226.505 Communication of Special Education Programs to Public
226.510 Child Find Activities
226.515 Case Study Evaluation Process
226.520 Notification to Parents of Exceptional Children
226.525 Parental Consent
226.530 Parental Objection
226.532 Determination of Communication Mode(s) and Cultural Background
226.535 Case Study Evaluation Components
226.538 Incomplete Case Study Evaluation
226.540 Case Study to be Nondiscriminatory
226.542 Use of Outside Study
226.544 Independent Educational Evaluation
226.545 Home/Hospital Services Eligibility
226.548 Speech and Language Case Study Conclusions
226.550 Formulation of Program and Service Options
226.552 Characteristics Determining Eligibility for Special Education

226.555 Determination of Recommendations for Special Education and Related Services Eligibility
226.558 Results and Recommendations to be in Writing
226.560 Development of IEP and Placement Decision
226.562 IEP Content and Parental Access
226.564 Authority of School Board to Place Students
226.566 Completion to be in 60 School Days
226.568 Notice to Parents Before Placement
226.570 Parents' Response to Notice of Proposed Placement
226.572 Parents' Objection to Proposed Placement (Repealed)
226.575 Timeline for Placement
226.578 Annual Review of Child Status
226.580 Notice to Parents Regarding Evaluation
226.585 Written Notice to Parents
226.590 Written Notice to Parents Prior to Change in Placement
226.595 Termination of Special Education Services

SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

Section
226.605 Request for Level I Hearing
226.610 Information to Parents Concerning Right to Hearing

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

226.612 Request for Hearing To Be Made to Superintendent (Repealed)

226.615 Request for Hearing

226.620 Denial of Hearing Request (Repealed)

226.622 Qualifications of Level I Hearing Officers

226.625 Selection of Level I Hearing Officer

226.630 Purpose of Hearing (Repealed)

226.631 Removal of Registered Hearing Officers (Repealed)

226.632 Scheduling the Hearing

226.635 Hearings Open to Public and to Child Who is Subject (Repealed)

226.636 Rights of the Parties Prior to the Hearing

226.640 Rights of the Parties During the Hearing

226.650 Hearing Concerning Any Other Controversy (Repealed)

226.655 Local School District's Responsibility (Repealed)

226.660 Cross-Examination (Repealed)

226.665 Rules of Evidence Not Applicable (Repealed)

226.670 Record of Proceedings

226.675 Decision of Hearing Officer

226.680 Filing of an Appeal

226.682 Filing of Administrative Record

226.684 Placement of the Child Pending Completion of a Level II Review

226.685 State Level Review (Repealed)

226.688 Oral Arguments and Extensions of Time

226.690 Timeliness and Finality of Reviewing Officer's Decision

226.692 Monitoring and Enforcement of Decisions; Right of Civil Action; Notice of Funding Ineligibility

226.695 Reporting of Decisions

226.698 Enforcement of State Superintendent's Decision (Repealed)

SUBPART K: SURROGATE PARENTS

Section

226.710 Surrogate Parents

226.720 Contacting Parents of Child

226.730 Appointment of Surrogate Parent

226.740 Notice to School District Concerning Surrogate Parent

226.750 Expenses for Surrogate Parent

226.760 Notification that Surrogate Parent is Not Needed

226.770 Replacement by Natural Parent

226.780 Immunity of Surrogate Parent

SUBPART L: SPECIAL EDUCATION PERSONNEL

Section

226.810 Employment of Sufficient and Trained Personnel

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

226.820 Qualifications of Professional Instructional Personnel

226.830 Qualifications of Other Professional Personnel

226.840 Qualifications of Directors and Assistant Directors

226.850 Qualifications of Supervisory Personnel

226.860 Qualifications of Chief Administrator

226.870 Necessary Noncertified Personnel

226.880 Function of Special Education Personnel

226.890 Personnel Development Program

SUBPART M: SPECIAL TRANSPORTATION

Section

226.910 Eligibility for Transportation

226.920 Vehicles Used

226.930 Training of Personnel

226.935 Provision for Transportation

226.938 Change in Mode of Transportation

226.940 Scheduling of Transportation

226.950 Transportation and Instructional Schedule

226.960 Transportation to a Residential School

SUBPART N: EVALUATION OF SPECIAL EDUCATION

Section

226.1010 Evaluation By State Board

226.1020 Bases of Evaluation

226.1030 Elements of State Board Evaluation

226.1040 Availability of State Board Evaluation

226.1050 Effect of Evaluation on School District

SUBPART O: SPECIAL EDUCATION SERVICES FOR CHILDREN IN RESIDENTIAL CARE FACILITIES

Section

226.1110 Equal Access for Children in Residential Care Facilities

226.1112 Definitions from Section 14-7.03

226.1115 Exclusions When Implementing Section 14-7.03

226.1120 Enrollment in District Required

226.1125 Requirements for Educational Program on Site of Orphanage or Children's Home

226.1130 Approval of Special Education Program at Orphanage or Children's Home

226.1135 Least Restrictive Environment

226.1140 IEP for All Children

226.1145 Compliance With This Part Subject to State Board of Education Evaluation

226.1150 Criteria for Eligibility of Children

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 226.1155 Resident Children Eligible for All Privileges
- 226.1160 Local District Policies Applicable
- 226.1170 Communications Regarding Child's Special Education Reimbursement
- 226.1175 Reimbursement
- 226.1180 Possible Waiver of Sections 226.1120 and 226.1150
- 226.1185 Computation of District's Reimbursement
- 226.1190 Preapproval Application
- 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code, (Ill. Rev. Stat. 1991, ch. 122, pars. 14-1.01 et seq. and 2-3.6) [105 ILCS 5/14-1.01 et seq. and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. , effective .

JAN 24 1994

NOTE: Capitalization denotes statutory language.

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF EXCEPTIONAL CHILDREN

Section 226.525 Parental Consent

- a) Written parental consent shall be obtained before conducting an initial case study evaluation of a child.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) Written parental consent shall be obtained before conducting any reevaluation. ~~Other than the required triennial reevaluation. Written parental consent is also required for the triennial reevaluation when it includes any components which were not included in the child's most recent case study evaluation.~~ The district must request a due process hearing when ten calendar days have elapsed since a request for consent to reevaluate was sent and the parent has either failed or refused to provide written consent.
- c) ~~No written parental consent shall be obtained for a required triennial reevaluation consisting solely of components in the child's most recent case study evaluation. Written notice, sent to the parents at least ten days prior to conducting the reevaluation, shall be provided.~~
- d) Written parental consent shall be obtained before implementing the initial placement of an exceptional child in a program providing special education and related services.

JAN 24 1994

(Source: Amended at 18 Ill. Reg. , effective)

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT

1) Heading of Part: Multifamily Rental Housing Mortgage Loan Program

2) Code Citation: 47 Ill. Adm. Code 310

3) Section Numbers: Adopted Action:
310.401 Amendment

4) Statutory Authority: This rulemaking is authorized by Sections 7.2, 7.19, 7.24(a), 7.25 and 9 of the Illinois Housing Development Act. (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 307.2, 307.19, 307.24(a), 307.25 and 309.

5) Effective Date of Rules: JAN 21 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: JAN 21 1994

9) Notice of Proposal published in Illinois Register:

August 20, 1993

17 Ill. Reg. 13659/13805

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Pursuant to memorandum from Administrative Code Division dated September 21, 1993, the Authority made a series of technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any other proposed amendments pending on this Part?
No

15) Summary and Purpose of Rules: These rules will allow the Authority to engage in workouts of loans in default that are not possible under the present rules.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this adopted rule shall be directed to:

Richard B. Muller, Esq.
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611

The full text of the Adopted Amendment begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 310

MULTIFAMILY RENTAL HOUSING MORTGAGE LOAN PROGRAM

SUBPART A: GENERAL RULES

Section
310.101
310.102
310.103
310.104
310.105
310.106
310.107
310.108
310.109
310.110
310.111
310.112
310.113
310.114

Authority
Purpose and Objectives
Definitions
Borrowing by the Authority
Compliance with Federal Law
Standards
Forms and Procedures for the Program
Fees and Charges of the Authority
Waiver
Amendment
Severability
Gender and Number
Titles and Captions
Calendar Days

SUBPART B: NOTICE OF PROPOSED DEVELOPMENTS

Section
310.201
310.202
310.203
310.204
310.205
310.206

Applicability and Purpose of Notification
Notification by Authority
Comments and Responses
Conditional Commitment Application
Hearings
Notice of Issuance of Conditional Commitment Letter

SUBPART C: OWNER

Section
310.301
310.302
310.303
310.304
310.305
310.306
310.307
310.308
310.309

Eligible Mortgageors
Land Trusts
Organizational Documents
Books and Records
Audits
Annual Financial Report
Furnishing Information
Purchase of Authority Bonds and Notes
Standards for Approval of Conveyance and Amendment of Documents

SUBPART D: MORTGAGE LOAN

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

Section
310.401
310.402
310.403
310.404
310.405

Maximum Mortgage Loan Amount
Maturity of Mortgage Loans
Equity and Distributions
Development Funds and Property
Reserve Fund for Replacements

SUBPART E: CONSTRUCTION

Section
310.501

Design and Construction Standards

SUBPART F: MARKETING AND MANAGEMENT

Section
310.601
310.602
310.603
310.604

Marketing and Management
Marketing and Management Plans
Maintenance
Cost of Services

SUBPART G: OCCUPANCY

Section
310.701
310.702
310.703

Tenant Selection Plan
Income Limits
Commercial Facilities

SUBPART H: RATE OF RETURN ON EQUITY FOR
LIMITED-PROFIT ENTITIES

Section
310.801
310.802
310.803
310.804
310.805
310.806

Statutory Authorization
Developments Eligible for Increased Rate of Return
Retractive Adjustments
Calculation of Alternate Basic Rate of Return
Risk Premium for Special Needs
Increases in the Basic Rate of Return

SUBPART I: ENERGY EFFICIENCY STANDARDS FOR NEW AND
REHABILITATED DEVELOPMENTS

Section
310.901
310.902
310.903
310.904
310.905
310.906
310.907

Statutory Authorization
Definitions
Incorporation of National Standards
Thermal Requirements
Air Infiltration Requirements
Doors, Windows and Glass
Mechanical Work

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

310.908 Insulation
 310.909 Mechanical Work Insulation
 310.910 Electrical Work
 310.911 Energy Audit Analysis
 310.912 Rehabilitation Guidelines
 310.913 Rehabilitation Waiver

AUTHORITY: Implementing and authorized by the Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 301 et seq.) [20 ILCS 3805].

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; Emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 10 Ill. Reg. 13657, effective August 4, 1986; amended at 10 Ill. Reg. 13987, effective August 11, 1986; amended at 14 Ill. Reg. 683, effective December 27, 1989; amended at 16 Ill. Reg. 10248, effective June 16, 1992; emergency amendment at 17 Ill. Reg. 13805, effective August 20, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective JAN 21 1994.

SUBPART D: MORTGAGE LOAN

Section 310.401 Maximum Mortgage Loan Amount

a) Establishing Amount. The maximum Mortgage Loan amount available to an Owner which is a Limited Profit Entity is 90% of the total estimated replacement cost of the Development or 90% of the total cost of the Development, as those costs may be determined and approved by the Authority in its sole discretion, whichever cost is less. The maximum Mortgage Loan amount available to an Owner which is a Nonprofit Corporation is 100% of the total estimated replacement cost of the Development or 100% of the total cost of the Development, as those costs may be determined by the Authority in its sole discretion, whichever cost is less. In calculating the total estimated replacement cost of the Development, the Authority shall consider the design architect's fees; the supervisory architect's fees; legal, accounting and other organizational fees; marketing, consulting and purchasing agent fees; construction interest; the Authority's service and Development fees; real estate and other taxes; title and recording fees; financial contingency and construction contingency; the Development Cost Escrow, if any; BSPRA; relocation costs; off-site improvements; land costs; carrying charges; and any other costs approved by the Authority. In calculating the total cost of the Development, the Authority shall consider trade payments to contractors and subcontractors, general overhead, bond premiums, insurance, builder's profit (if any), change orders, discounts,

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

b) rebates and any other costs approved by the Authority. Section shall Mortgage Loan Increase. Nothing contained in this Section shall prohibit the Authority from increasing the amount of a Mortgage Loan above the limitations specified herein if the Authority, in its sole discretion, determines that such increase is necessary. In deciding whether to approve a Mortgage Loan increase, the Authority shall consider the physical condition of the Development, the value of the Development as security for the Mortgage Loan, the Authority's ability to provide such Mortgage Loan increase, the ability of the Owner to repay the Mortgage Loan out of gross Development income, the financial status of the Development, and any other relevant factors.

c) Refinancing Mortgage Loans in Foreclosure or Default. Nothing contained in this Section shall prohibit the Authority from settling defaults under any existing Mortgage Loan or restructuring a defaulted Mortgage Loan pursuant to settlement terms that the Authority deems appropriate, including making a new Mortgage Loan to pay all or a portion of the amounts due and owing under the defaulted Mortgage Loan and any costs, fees and expenses of the Authority in connection with the defaulted Mortgage Loan and the restructuring thereof. Any new Mortgage Loan that is made in settlement and/or restructuring of a defaulted Mortgage Loan may be in an amount that exceeds the amount due and owing under the defaulted Mortgage Loan, and shall include only such amounts as the Authority deems necessary and appropriate for the financial rehabilitation of the Development and to mitigate any loss to the Authority, including, without limitation, the following: the costs of redeeming any bonds issued to finance the defaulted Mortgage Loan, including any premium payable in connection with such redemption; the costs of issuance of any bonds issued to finance the new Mortgage Loan; the costs of audits of the Development or the debt service payments on the defaulted Mortgage Loan; the costs of appraisals of the Development and assessments of the physical condition of the Development, including, without limitation, environmental studies required by the Authority or any third party in connection with the settlement; the costs of repair, maintenance or improvement of the Development; legal and accounting fees and expenses (including the fees and expenses of counsel to the Authority) to the Authority relating to the exercise of remedies by the Authority under the defaulted Mortgage Loan; the Authority's work-out fees, or other charges made by the Authority against the Development; defaulted debt service payments, delinquency payments and other amounts due and owing under the defaulted Mortgage Loan; title insurance premiums and recording fees; and the Authority's administrative expenses relating to the defaulted Mortgage Loan.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

2) The Code Citation: 35 Ill. Adm. Code 218

3) Section Number: Adopted Action:

218.106	Amended
218.108	Amended
218.112	Amended
218.114	New
218.402	Amended
218.602	Amended
218.611	Amended
218.620	Amended
218.623	Repealed
218.660	New
218.666	New
218.667	New
218.668	New
218.670	New
218.672	New
218.680	New
218.686	New
218.688	New
218.690	New
218.692	New
218.920	Amended
218.923	Repealed
218.926	Amended
218.940	Amended
218.943	Repealed
218.946	Amended
218.960	Amended
218.963	Repealed
218.966	Amended
218.980	Amended
218.983	Repealed
218.986	Amended
218.991	Amended

4) Statutory Authority: 415 ILCS 5/10, 27, and 28.5 (1992).

5) Effective Date of Rule(s) (Amendments, Repealer): **JAN 24 1994**

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

6) Does this rulemaking contain an automatic repeal date?:
No.

7) Does this rule (amendment, repealer) contain incorporations by reference? Yes.

8) Date Filed in Agency's Principal Office: January 6, 1994

9) Notice(s) of Proposal Published in Illinois Register: 17 Ill. Reg. 12491 (August 6, 1993).

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No.

11) Difference(s) between proposal and final version:

The Board made changes to the following sections: 218.108 "Exemptions, Variations and Alternative Means of Control or Compliance Determinations"; 218.660 "Applicability"; 218.666 "Control Requirements"; 218.668 "Testing"; 218.672 "Recordkeeping and Reporting for Subject Emission Units"; 218.692 "Recordkeeping and Reporting for Subject Emission Units"; 218.920 "Applicability"; 218.926 "Control Requirements"; 218.940 "Applicability"; 218.960 "Applicability"; 218.980 "Applicability"; and 218.991 "Subject Emission Units". Additionally, the text originally published as Section 218.113 has been renumbered as new Section 218.114. This change was made because Section 218.113 already existed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s):

The proposed rule modifies applicability and some control requirements for major sources of volatile organic materials in the Chicago ozone nonattainment areas as required by the Clean Air Act (42 U.S.C. §7401 et seq.)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The overall result of these proposed rules will be a requirement that all sources (in the Chicago ozone nonattainment area) which emit or have the potential to emit 25 tons or more per year of volatile organic material (VOM) use reasonably available control technology (RACT).

- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Schroer Harvey
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312/814-6921

The full text of the adopted rule(s) begins on the following page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvents
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
218.121	Storage Containers
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates (Repealed)
218.126	Compliance Plan (Repealed)

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section

218.181 Solvent Cleaning in General
218.182 Cold Cleaning
218.183 Open Top Vapor Degreasing
218.184 Conveyorized Degreasing
218.185 Compliance Schedule (Repealed)
218.186 Test Methods

SUBPART F: COATING OPERATIONS

Section

218.204 Emission Limitations
218.205 Daily-Weighted Average Limitations
218.206 Solids Basis Calculation
218.207 Alternative Emission Limitations
218.208 Exemptions from Emission Limitations
218.209 Exemption from General Rule on Use of Organic Material
218.210 Compliance Schedule
218.211 Recordkeeping and Reporting

SUBPART G: USE OF ORGANIC MATERIAL

Section

218.301 Use of Organic Material
218.302 Alternative Standard
218.303 Fuel Combustion Emission Units
218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

218.401 Flexographic and Rotogravure Printing
218.402 Applicability
218.403 Compliance Schedule
218.404 Recordkeeping and Reporting
218.405 Heatset-Web-Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section

218.421 General Requirements
218.422 Inspection Program Plan for Leaks

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.423 Inspection Program for Leaks
218.424 Repairing Leaks
218.425 Recordkeeping for Leaks
218.426 Report for Leaks
218.427 Alternative Program for Leaks
218.428 Open-Ended Valves
218.429 Standards for Control Devices
218.430 Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;
ASPHALT MATERIALS

Section

218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
218.443 Wastewater (oil/water) Separator
218.444 Process Unit Turnarounds
218.445 Leaks: General Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
218.448 Recordkeeping for Leaks
218.449 Reporting for Leaks
218.450 Alternative Program for Leaks
218.451 Sealing Device Requirements
218.452 Compliance Schedule for Leaks
218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
218.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

218.480 Applicability
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483 Material Storage and Transfer
218.484 In-Process Tanks

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.485 Leaks
 218.486 Other Emission Units
 218.487 Testing
 218.488 Monitoring for Air Pollution Control Equipment
 218.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

Section
 218.521 Definitions (Repealed)
 218.525 Emission Limitations for Air Oxidation Processes
 218.526 Testing and Monitoring
 218.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Pesticide Exception

SUBPART X: CONSTRUCTION

Section
 218.561 Architectural Coatings
 218.562 Paving Operations
 218.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
 218.581 Bulk Gasoline Plants
 218.582 Bulk Gasoline Terminals
 218.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
 218.584 Gasoline Delivery Vessels
 218.585 Gasoline Volatility Standards
 218.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section
 218.601 Perchloroethylene Dry Cleaners
 218.602 ~~Exemptions~~ Applicability
 218.603 Leaks
 218.604 Compliance Dates (Repealed)
 218.605 Compliance Plan (Repealed)
 218.606 Exception to Compliance Plan (Repealed)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.607 Standards for Petroleum Solvent Dry Cleaners
 218.608 Operating Practices for Petroleum Solvent Dry Cleaners
 218.609 Program for Inspection and Repair of Leaks
 218.610 Testing and Monitoring
 218.611 ~~Exemptions~~ Applicability for Petroleum Solvent Dry Cleaners

218.612 Compliance Dates (Repealed)
 218.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section
 218.620 Applicability
 218.621 Exemption for Waterbase Material and Heatset-Offset Ink
 218.623 Permit Conditions (Repealed)
 218.624 Open Top Mills, Tanks, Vats or Vessels
 218.625 Grinding Mills
 218.626 Storage Tanks
 218.628 Leaks
 218.630 Clean Up
 218.636 Compliance Schedule
 218.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section
 218.640 Applicability
 218.642 Emissions Limitation at Polystyrene Plants
 218.644 Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

218.660 Applicability
 218.666 Control Requirements
 218.667 Compliance Schedule
 218.668 Testing
 218.670 Recordkeeping and Reporting for Exempt Emission Units
 218.672 Recordkeeping and Reporting for Subject Emission Units

SUBPART DD: AEROSOL CAN FILLING

218.680 Applicability
 218.686 Control Requirements
 218.688 Testing
 218.690 Recordkeeping and Reporting for Exempt Emission Units
 218.692 Recordkeeping and Reporting for Subject Emission Units
 218.875 Applicability of Subpart BB (Renumbered)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.877 Emissions Limitation at Polystyrene Plants (Renumbered)
 218.879 Compliance Date (Repealed)
 218.881 Compliance Plan (Repealed)
 218.883 Special Requirements for Compliance Plan (Repealed)
 218.886 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
 218.920 Applicability
 218.923 Permit Conditions (Repealed)
 218.926 Control Requirements
 218.927 Compliance Schedule
 218.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
 218.940 Applicability
 218.943 Permit Conditions (Repealed)
 218.946 Control Requirements
 218.947 Compliance Schedule
 218.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
 218.960 Applicability
 218.963 Permit Conditions (Repealed)
 218.966 Control Requirements
 218.967 Compliance Schedule
 218.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
 218.980 Applicability
 218.983 Permit Conditions (Repealed)
 218.986 Control Requirements
 218.987 Compliance Schedule
 218.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.990 Exempt Emission Units
 218.991 Subject Emission Units

Section 218.Appendix A: List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing

Section 218.Appendix B: VOM Measurement Techniques for Capture Efficiency

Section 218.Appendix C: Reference Methods and Procedures

Section 218.Appendix D: Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-23 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. at JAN 24 1994.

SUBPART A: GENERAL PROVISIONS

Section 218.106 Compliance Dates

a) Except as provided in Section 218.106 (c) below or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of all rules is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry or Will Counties, consistent with the appropriate provisions of Section 218.103 of this Part.

b) Except as provided in Section 218.106 (c) below or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County or in Oswego Township in Kendall County.

c) All emission units which meet the applicability requirements of 218.402(a)(2), 218.611(b), 218.620(b), 218.660(a), 218.680(a), 218.920(b), 218.940(b), 218.960(b) or 218.980(b) of this Part, including

emission units at sources which are excluded from the applicability criteria of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), or 218.980(a) of this Part by virtue of permit conditions or other enforceable means, must comply with the requirements of Subparts H, Z, AA, CC, DD, PP, OO, RR or TT of this Part, respectively, by March 15, 1995. Any owner or operator of an emission unit which has already met the applicability requirements of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), 218.980(a) of this Part on or by the effective date of this subsection is required to comply with all compliance dates or schedules found in Sections 218.106(a) or 218.106(b) above, as applicable.

(Source: Amended at ___ Ill. Reg. ___, effective JAN 24 1994)

Section 218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations

Notwithstanding the provisions of any other Sections of this Part, i

a) ~~any~~ exemptions, variations or alternatives adopted by the Board pursuant to Section 28, 28.1 or 35 of the Act to the control requirements, emission limitations, or test methods set forth in this Part shall be effective only when approved by the Agency and approved by the USEPA as a SIP revision.

b) Any equivalent alternative control plans, equivalent device, or other equivalent alternative practice authorized by the Agency where this Part provides for such alternative or equivalent practice or equivalent variations or alterations to test methods approved by the Agency shall be effective only when included in a federally enforceable permit or approved as a SIP revision.

(Source: Amended at ___ Ill. Reg. ___, effective JAN 24 1994)

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

- 1) ASTM D2879-86
- 2) ASTM D323-82
- 3) ASTM D86-82
- 4) ASTM D369-69 (1971)
- 5) ASTM D396-69
- 6) ASTM D2880-71
- 7) ASTM D975-68
- 8) ASTM D3925-81 (1985)
- 9) ASTM E300-86
- 10) ASTM D1475-85
- 11) ASTM D2369-87
- 12) ASTM D3792-86
- 13) ASTM D4017-81 (1987)
- 14) ASTM D4457-85
- 15) ASTM D2697-86
- 16) ASTM D3980-87
- 17) ASTM E180-85
- 18) ASTM D2372-85
- 19) ASTM D97-66
- 20) ASTM E168-67 (1977)
- 21) ASTM E169-87
- 22) ASTM E260-91
- 23) ASTM D2504-83
- 24) ASTM D2382-83
- 25) ASTM D323-82 (approved 1982)

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.

d) 40 CFR Part 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

e) 40 CFR Part 61 (July 1, 1991).

f) 40 CFR Part 50 (July 1, 1991).

g) 40 CFR Part 51 (July 1, 1991).

h) 40 CFR Part 52 (July 1, 1991).

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) 40 CFR Part 80 (July 1, 1991).
- j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.
- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.
- p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
- r) "Portable Instrument User's Manual for Monitoring VOC Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", United

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- t) States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
 - u) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
 - v) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
 - w) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
 - x) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
 - y) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. March 1991) (CARB Manual).
 - z) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions.
 - South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins.
- (Source: Amended at ___ Ill. Reg. ___, effective JAN 24 1994)
- Section 218.114 Compliance with Permit Conditions
- No person shall violate any terms or conditions of a permit reflecting the requirements of this Part, operate any source except in compliance with its permit, or violate any other applicable requirements.
- (Source: Added at ___ Ill. Reg. ___, effective JAN 24 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: PRINTING AND PUBLISHING

Section 218.402 Applicability

- a) The limitations of Section 218.401 of this Part apply to all flexographic and rotogravure printing lines at a subject source. All sources with flexographic and/or rotogravure printing lines are subject sources ~~unless:~~

1) Total maximum theoretical emissions of VOM from all flexographic and rotogravure printing line(s) (including solvents used for cleanup operations associated with flexographic and rotogravure printing line(s)) at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices, or and the flexographic and rotogravure printing line(s) (including solvents used for cleanup operations associated with flexographic and rotogravure printing line(s)) at the source are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision; or

2) A federally enforceable permit or SIP revision for all flexographic and rotogravure printing line(s) at a source requires the owner or operator to limit production or capacity of these printing line(s) to reduce total VOM emissions from all flexographic and rotogravure printing line(s) to 90.7 Mg (100 tons) or less per calendar year before the application of capture systems and control devices. The flexographic and rotogravure printing line(s) (including solvents used for cleanup operations associated with flexographic and rotogravure printing line(s)) at the source have a potential to emit 22.7 Mg (25 tons) or more of VOM per year.

- b) Upon achieving compliance with this Subpart, the flexographic and rotogravure printing lines are not required to meet Subpart G (Sections 218.301 or 218.302 of this Part). Flexographic and rotogravure printing lines exempt from this Subpart are subject to Subpart G

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Sections 218.301 or 218.302 of this Part).

Rotogravure or flexographic equipment used for both roll printing and paper coating is subject to this Subpart.

- c) Once subject to the limitations of Section 218.401, a flexographic or rotogravure printing line is always subject to the limitations of Section 218.401 of this Part.

- d) Any owner or operator of any flexographic or rotogravure printing line that is exempt from the limitations of Section 218.401 of this Part because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 218.404(b) of this Part.

(Source: Amended at Ill. Reg. _____, effective JAN 24 1994)

SUBPART Z: DRY CLEANERS

Section 218.602 ~~Exemptions~~Applicability

The provisions of Section 218.601 of this Part are not applicable to perchloroethylene dry cleaning operations which are coin-operated or to dry cleaning operations consuming less than 30 gal per month (360 gal per year) of perchloroethylene.

(Source: Amended at Ill. Reg. _____, effective JAN 24 1994)

Section 218.611 ~~Exemption~~Applicability for Petroleum Solvent Dry Cleaners

The provisions of Sections 218.607 through 218.610 of this Part shall not apply to petroleum solvent dry cleaning sources that: whose emissions of VOM do not exceed 91 megagrams (100 tons) per year in the absence of pollution control equipment or whose emissions of VOM, as limited by the operating permit, will not exceed 91 megagrams (100 tons) per year in the absence of pollution control equipment.

- a) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

enforceable permit or a SIP revision; or

- b) Have a potential to emit 22.7 Mg (25 tons) or more of VOM per year.

(Source: Amended at ___ Ill. Reg. ___, effective JAN 24 1994)

SUBPART AA: PAINT AND INK MANUFACTURING

Section 218.620 Applicability

- a) This Subpart shall apply to all paint and ink manufacturing sources which:

- 1) Include process emission units not subject to Subparts B, E, F (excluding Section 218.204(1) of this Part), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part; and which as a group both:

- A) Have maximum theoretical emissions of 9490.7 Mg (100 tons) or more per calendar year of VOM, and

- B) Are not limited to less than 9490.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision, or

- 2) Produce more than 7,570,820 l (2,000,000 gal) per calendar year of paint or ink formulations, which contain less than 10% (by weight) water, and ink formulations not containing as the primary solvents water, Magie oil or glycol.

- b) This Subpart shall also apply to all paint and ink manufacturing sources which:

- 1) Have the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from process emission units that:

- A) Are not regulated by Subparts B, E, F, H, Q, R,

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or

- B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations, or

- 2) Produce more than 1,892,705 l (500,000 gal) per calendar year of paint or ink formulations which contain less than 10% (by weight) water, and ink formulations not containing as the primary solvents water, Magie oil or glycol.

- bc) For the purposes of this Subpart, uncontrolled VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.

(Source: Amended at ___ Ill. Reg. ___, effective JAN 24 1994)

Section 218.623 Permit Conditions (Repealed)

~~No person shall violate any condition in a permit when the condition results in exclusion of the plant or an emission source from this Subpart.~~

(Source: Repealed at ___ Ill. Reg. ___, effective JAN 24 1994)

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section 218.660 Applicability

- a) Potential to emit:

- 1) A source is subject to this Subpart if it is not subject to the requirements of Subparts PP, QQ, RR and TT and:

- A) Not regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.486), V, X, Y, Z

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

or BB of this Subpart; or

- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvent operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's polyester resin products manufacturing process emission units and associated handling of materials, cleanup activity, and formulation activity, if any, which are not regulated by Subparts B, E, F, H, O, R, S, T, V, X, Y, Z, AA, BB, or DD of this Subpart.

- b) If a source ceases to fulfill the criteria of subsection (a) above, the requirements of this Subpart shall continue to apply to a polyester resin products manufacturing process emissions unit which was subject to the control requirements of Section 218.666 of this Part.

- c) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994.)

Section 218.666 Control Requirements

- a) Every owner or operator of a polyester resin products manufacturing process subject to this Subpart shall comply with the operating requirements below:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Any of the following:

- A) Use polyester resin material with a monomer content as follows:
- i) For polyester resin materials used for products requiring corrosion resistant or fire retardant materials, a monomer content of no more than 48% by weight as applied;
 - ii) For polyester resin materials for products requiring a tensile strength of 10,000 psi or more, including tooling resins, a monomer content of no more than 48% by weight as applied;
 - iii) For clear gel coat, a monomer content of no more than 50% by weight as applied;
 - iv) For other pigmented gel coats, a monomer content of no more than 45% by weight as applied; or
 - v) For all other polyester resin materials, a monomer content of no more than 35% by weight as applied.
- B) Use a closed-mold system or pultrusion system which will result in less than 4% weight loss of polyester resin materials;
- C) Use vapor suppressed polyester resin approved by the Agency in the source's permit such that weight loss from VOM emissions does not exceed 60 grams per square meter of exposed surface area during molding; or
- D) Use any materials or processes that are demonstrated to the satisfaction of the Agency to achieve VOM emission levels equivalent to any of the above. This alternative must be approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

- 2) For spraying operations, in addition to the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements specified in Section 218.666(a)(1) above, use only high-volume low pressure (HVLP), airless, air-assisted airless, or electrostatic spray equipment, except for touch-up and repair using a hand-held, air-atomized spray gun which has a container for polyester resin material as part of the gun.

- b) Any owner or operator of a polyester resin products manufacturing process subject to this Subpart shall use closed containers for all polyester resin materials, cleaning materials which contain VOM (including waste cleaning materials), and other materials that contain VOM (including waste resin materials) in such a manner as to effectively control VOM emissions to the atmosphere and in accordance with the practices described in the certification pursuant to Section 218.670(b)(2)(A).

- c) Any owner or operator of a polyester resin products manufacturing process subject to this Subpart which formulates polyester resin material at the source shall comply with the following operating requirements:

- 1) A cover shall be in place on any tank, vat, or vessel with a capacity greater than 7.5 liters (2 gallons), including a container in which polyester resin materials are delivered to the source, while polyester resin materials are being formulated. The cover shall:

- A) Completely cover the tank, vat, or vessel opening except for an opening no larger than necessary to allow for safe clearance for a mixer shaft;
- B) Extend at least 1.27 cm (0.5 inch) beyond the outer rim of the opening or be attached to the rim;
- C) Remain closed except when adding or removing material or when sampling or inspection procedures require access; and
- D) Be maintained in good condition such that, when in place, the cover maintains contact

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

with the rim of the opening for at least 90% of the circumference of the rim.

- 2) Carry out emissions shall be minimized when a mixer used for formulation of polyester resin material is being removed from a tank, vat, or vessel containing polyester resin material by allowing the material retained on the mixer blades to drain back into the tank, vat, or vessel before the mixer is completely removed from the tank, vat, or vessel.

- ed) Any owner or operator of polyester resin products manufacturing processes subject to this Subpart which as a group use more than 4 gallons per day of cleaning materials which contain more than 200 grams of VOM per liter (1.7 pound per gallon) shall use a solvent recovery system for such materials. Solvent recovery may be done at the source or by using an off-site commercial solvent recovery service. The waste residue from a solvent recovery system located at the source shall not contain more than 20% VOM by weight.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994)

Section 218.667 Compliance Schedule

Every owner or operator of an emission unit subject to the control requirements of this Subpart shall comply with the requirements thereof on and after the date consistent with Section 218.106 of this Part.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994)

Section 218.668 Testing

- a) Testing Methods.

- 1) The VOM content of fresh cleaning materials shall be determined from supplier data or by sampling and analysis using EPA Reference Method 24, incorporated by reference in Section 218.112 of this Part.

- 2) The VOM content of waste residue from a solvent

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

recovery system shall be determined by sampling and analysis using EPA Reference Method 24, incorporated by reference in Section 218.112 of the Part.

3) The monomer content of polyester resin materials shall be determined:

- A) From supplier data and operating data;
- B) By sampling and analysis by the methods set forth in SCAQMD Method 312-91, incorporated by reference in Section 218.112 of this Part; or
- C) By site-specific sampling and analysis methods approved by the Agency and USEPA in a federally enforceable permit.

4) The weight loss from polyester resin material in a closed-mold system or pultrusion system during molding shall be determined:

- A) From supplier data and operating data;
- B) By testing of VOM emissions by the methods set forth in Section 218.105; or
- C) By material balance as follows:

Separately weigh the polyester resin material and the reinforcement material before they are introduced into the mold. Weigh the molded product after it has cooled so that it can be manually handled but no sooner than one hour after removal of the product from the mold. The percent weight loss shall be determined according to the following equation:

$$PLW = [1 - \frac{(C-B)}{A}] \times 100$$

Where,

$$PLW = \text{Percent Weight Loss;}$$

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- A = Weight of polyester resin materials;
- B = Weight of reinforcement material;
- C = Weight of cooled molded product after at least one hour elapsed time.

5D) By site-specific sampling and analysis methods approved by the Agency and USEPA in a federally enforceable permit.

5) The weight loss from a vapor suppressed polyester resin material per square meter of exposed surface area shall be determined:

- A) From supplier data and operating data;
- B) By sampling and analysis by the methods set forth in SCAQMD Method 309-91, incorporated by reference in Section 218.112; or
- C) By site-specific sampling and analysis methods approved by the Agency and USEPA in a federally enforceable permit.

6) In the event of a difference between data obtained by sampling and analysis and other data, the data from sampling and analysis shall govern.

- b) When in the opinion of the Agency it is necessary to conduct sampling and analysis to demonstrate compliance with Section 218.668 of this Part, the owner or operator of a polyester resin products manufacturing process subject to the requirements of this Subpart shall, at his own expense, conduct such sampling and analysis in accordance with the applicable test methods and procedures specified in subsection (a) above. The Agency's decision to invoke this subsection may be based on such factors including, but not limited to, a change in operation of the polyester resin products manufacturing process, or a reasonable belief that a previous test resulted in erroneous data.

c) Nothing in this Section shall limit the authority of USEPA pursuant to the Clean Air Act, as amended, to

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

require sampling and analysis.

(Source: Added at ___ Ill. Reg. ____, effective **JAN 24 1994**

Section 218.670 Recordkeeping and Reporting for Exempt Emission Units

Upon request by the Agency, the owner or operator of a polyester resin manufacturing process which is exempt from the requirements of Subpart CC of this Part shall submit to the Agency records that document that the polyester resin product manufacturing process is exempt from those requirements. These records shall be submitted within 30 calendar days from the date of the request.

Source: Added at ___ Ill. Reg. ____, effective **JAN 24 1994**

Section 218.672 Recordkeeping and Reporting for Subject Emission Units

a) Any owner or operator of a polyester resin products manufacturing process which is subject to the requirements of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a process subject to this Subpart, the owner or operator of the subject process shall certify to the Agency that the process will be in compliance with Section 218.666(a) of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date as demonstrated by testing in accordance with Section 218.668 of this Subpart. Such certification shall include:

A) The name and identification number of each polyester resin products manufacturing process at the source;

B) The name and identification number of each polyester resin material used in these processes, the means by which it may be applied and the classification of the polyester resin material under Section 218.666(a)(1)(A) of this Subpart;

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

C)

The particular operating requirement with which each polyester resin material will comply, the actual monomer content of the material (percent by weight) and other relevant data to show compliance with the operating requirement, including:

i) For each polyester resin material which is classified as a material used for products requiring corrosion resistant or fire retardant materials, a material used for products requiring tensile strength of 10,000 psi or more, or a clear gel coat, justification for such classification if the material is applied to comply with the monomer content limitation of Section 218.666(a)(1)(A)(i), (ii), or (iii), respectively, of this Subpart;

iii) For each polyester resin material which is applied in a closed-mold or pultrusion system so as to comply with Section 218.666(a)(1)(B) of this Subpart, the weight loss from the polyester resin material (percent by weight) during molding;

iii) For each polyester resin material which is vapor suppressed so as to comply with Section 218.666(a)(1)(C) of this Subpart, the type and content (percent by weight) of catalyst in the material, the maximum process temperature for resin application, the maximum gel time and the weight loss (grams per square meter exposed surface) during molding; and

iv) For each polyester resin material which is approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision so as to comply with Section 218.666(a)(1)(D) of this Subpart, information showing the VOM emissions level which is achieved and the VOM emissions which would result

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

from compliance with Section 218.666(a)(1)(A), (B) or (C).

- D) A description of the testing which was performed, in accordance with Section 218.668 of this Part, to determine the monomer content of polyester resin materials and the information in subsections (a)(1)(C)(ii), (iii) and (iv) and (a)(1)(D) above, including data, calculations, and descriptions and results of the sampling and analysis that the owner or operator has relied upon to show compliance with Sections 218.666(a)(1) and (de)(2) of this Subpart;
- E) For spraying operations, the equipment for spraying polyester resin materials and the equipment for touch up and repair;
- F) The method by which the owner or operator will create and maintain records required in subsections (b)(2) and (b)(3) below; and
- G) An example of the format in which the records required in subsections (b)(2) and (b)(3) below will be kept.
- 2) On and after a date consistent with Section 218.106 of this Part or on and after initial start-up date, the owner or operator of a subject process shall collect and record the following information to maintain a complete record of all polyester resin materials which are used by such polyester resin products manufacturing process. This information shall be maintained at the source for a period of three years:
- A) The name and identification number of each polyester resin material used in the process;
- B) The particular operating requirement with which each polyester resin material will comply, the actual monomer content of the material (percent by weight) and other relevant data to show compliance with the operating requirement, including:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) For each polyester resin material which is classified as a material used for products requiring corrosion resistant or fire retardant materials, a material used for products requiring tensile strength of 10,000 psi or more, or a clear gel coat, justification for such classification if the material is applied to comply with the monomer content limitation of Section 218.666(a)(1)(A)(i), (ii), or (iii), respectively, of this Subpart;
- ii) For each polyester resin material which is applied in a closed-mold or pultrusion system so as to comply with Section 218.666(a)(1)(B) of this Subpart, the weight loss from the polyester resin material (percent by weight) during molding;
- iii) For each polyester resin material which is vapor suppressed so as to comply with Section 218.666(a)(1)(C) of this Subpart, the type and content (percent by weight) of catalyst in the material, the maximum process temperature for resin application, the maximum gel time and the weight loss (grams per square meter exposed surface) during molding; and
- iv) For each polyester resin material which is approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision so as to comply with Section 218.666(a)(1)(D) of this Subpart, information showing the VOM emission level which is achieved and the VOM emissions which would result from compliance with Section 218.666(a)(1)(A), (B), or (C) of this Subpart;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

C) A description of the testing which was performed, in accordance with Section 218.668 of this Part, to determine the monomer content of polyester resin materials and the information in subsections (a)(1)(C)(ii), (iii) and (iv) and (a)(1)(D) above, including data, calculations, and descriptions and results of the sampling and analysis that the owner or operator has relied upon to show compliance with Section 218.666(a)(1) of this Subpart;

D) The processes and applications for which each polyester resin material may be used in compliance with applicable operating requirements, including:

i) For each polyester resin material which is classified as a material used for products requiring corrosion resistant or fire retardant material or a material used for products requiring tensile strength of 10,000 psi or more which is applied to comply with the monomer content limitation of Section 218.666(a)(1)(A)(i) or (ii), respectively, of this Subpart, the required products or circumstances for the materials' use;

ii) For each polyester resin material which is applied in a closed-mold or pultrusion system so as to comply with Section 218.666(a)(1)(B) of this Subpart, the required process temperature and minimum mold cycle time or maximum pultrusion speed;

iii) For each polyester resin material which is vapor suppressed so as to comply with Section 218.666(a)(1)(C) of this Subpart, the required thickness of the manufactured product, the type and amount of catalyst in the resin, and the maximum process temperature

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and maximum gel time; and

iv) For each polyester resin material which is approved by the Agency and approved by the USEPA as a SIP revision so as to comply with Section 218.666(a)(1)(D) of this Subpart, the required process operating conditions or product specifications; and

E) For each polyester resin material which is applied in a spraying operation, the type of spray equipment with which the material will be applied so as to comply with Section 218.666(a)(2) of this Subpart.

3) On and after the date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject process shall collect and record all of the following information each day for each process and maintain the information at the source for a period of three years:

A) The name, identification number and amount of each polyester resin material applied on each process; and

B) The specific data identified pursuant to Section 218.672(a)(2)(D) of this Subpart to confirm that the polyester resin material was applied in such a manner that it complied with the applicable operating requirement.

4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject process shall notify the Agency:

A) violation of the operating requirements of this Subpart by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

B) At least 30 calendar days before changing the method of compliance with this Subpart from one operating requirement among Section 218.666(a)(1)(A), (B), (C), or (D) of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Subpart to another operating requirement, of compliance with all requirements of subsection (a)(1) above. Upon changing the method of compliance with this Subpart from one operating requirement to another, the owner or operator shall comply with all applicable requirements of subsection (a) above.

b) Any owner or operator of a polyester resin product manufacturing process subject to the requirements of Subpart CC of this Part shall comply with the following:

1) On a date consistent with Section 218.106 of this Part or upon initial start-up of a new source, the owner or operator of the source shall certify to the Agency that the source will be in compliance with Sections 218.666(b) and (d) of this Subpart on and after a date consistent with Section 218.106 of this Part, or on or after the initial start-up date. Such certification shall include:

A) A description of the handling practices for polyester resin material, cleaning materials which contain VOM and waste materials which contain VOM including the use of closed containers and a statement that these practices effectively control VOM emissions to the atmosphere; and

B) The usage on a daily basis of each cleanup material which contains VOM, the VOM content per liter of each such material and whether a reclamation system is required by Section 218.666(d) of this Subpart for such material or will be used; a description of the solvent recovery practices if recovery is required or will be used; and a statement that where a solvent recovery system is required and will be at the source, that the waste residue contains 20% or less VOM by weight.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of the process shall collect and record all the following

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

information and maintain the information at the source for a period of three years:

A) The date, time and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

B) Information on a daily basis confirming the proper use of a recovery system if one is required or is used, including operation of a recovery system at the source to produce a waste residue that is 20% or less VOM by weight and information identifying any observation of noncompliance; and

C) Information on a daily basis on the use of cleaning materials which contain more than 200 grams of VOM per liter (1.7 pound per gallon) if a recovery system is not required or is not used. This information shall include the name, identification number, amount used and VOM content of each such cleaning material.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject process shall notify the Agency:

A) Of a violation of the requirements of this Subpart CC with respect to handling practices and solvent recovery for cleaning materials by sending a copy of all such records to the Agency within 30 days following the calendar quarter in which such violation occurred; or

B) Within 30 calendar days of changing the handling practices for polyester resin materials, cleaning materials and waste materials or changing source practice with respect to a solvent recovery system for cleaning materials, describing the change.

c) Any owner or operator of a polyester resin product

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

manufacturing process subject to the requirements of this Subpart that formulates polyester resin material at the source shall comply with the following:

- 1) On a date consistent with Section 218.106 of this Part or upon initial start-up of a new emission unit, the owner or operator of the source shall certify to the Agency that the emission unit will be in compliance with Section 218.666(c) of this Subpart on and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date. Such certification shall include:

- A) A description of the equipment used for formulation of polyester resin materials, including the types of tanks, vats, and vessels and their size and the types of mixers and the covers associated with this equipment; and
- B) A description of the practices used to minimize VOM emissions to the atmosphere from formulation activity, including the use and maintenance of covers on tanks, vats, and vessels and drainage of mixers.

- 2) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of the process shall collect and record all the following information and maintain the information at the source for a period of three years:

- A) The date, time, and duration of scheduled inspections to confirm the proper use and maintenance of covers on vats, vessels, and tanks and proper drainage of mixers and any instance of improper use, with description of actual practice and corrective action taken, if any:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) A maintenance log for covers on vats, vessels, and tanks, detailing all routine and non-routine maintenance performed and initial use of new covers, including dates of such activities.

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject process shall notify the Agency:

- A) Of a violation of the requirements of this Subpart with respect to formulation of polyester resin material by sending a copy of all such records to the Agency within 30 days following the calendar quarter in which such violation occurred; or

- B) Within 30 calendar days of changing the handling practices for formulation of polyester resin materials, describing the change.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994

SUBPART DD: AEROSOL CAN FILLING

Section 218.680 Applicability

- a) Potential to emit:

- 1) A source is subject to this Subpart if it is not subject to the requirements of Subparts PP, QQ, RR and TT and has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units that are:

- A) Not regulated by Subparts B, E, F (excluding Section 218.204(l)), H (excluding Section 218.405), O, R, S, T (excluding Section 218.486), V, X, Y, Z or BB of this Subpart; or

- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean up solvent operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's aerosol can filling lines and propellant booster pumps, which are not regulated by or addressed by Subparts B, E, F, H, O, R, S, T, V, X, Y, Z, AA, BB, CC of this Subpart.

b) If a source ceases to meet the criteria of subsection (a), the requirements of this Subpart shall continue to apply to an aerosol can filling line and propellant booster pump which was subject to the control requirements of Section 218.686 of this Part.

c) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994

Section 218.686

Control Requirements

a) Every owner or operator of an aerosol can filling line that is filling cans with a propellant which contains propane, butane or other VOM subject to this Subpart shall comply with the following requirements:

- 1) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emission of at least 81% from the propellant filling area, also known as the gas house, on each line; or
- 2) As an alternative to compliance with subsection (a)(1) above, the owner or operator of an aerosol can filling line, shall comply with the following requirements:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A) Fill all cans, other than trial runs of cans to verify product quality, using through-the-valve fill or enhanced under-the-cup fill to minimize loss of VOM propellant; or use a reclamation system to recover surplus VOM propellant; or use another system approved in a federally enforceable permit which achieves at least 75% reduction of the emissions of under-the-cup fill;

B) Fill on a monthly basis at least 90% of cans filled on such aerosol can filling lines that are capable of being filled by the through-the-valve method with through-the-valve fill. All cans shall be considered capable of being filled by the through-the-valve method unless, as demonstrated by the records required by Section 218.692(b)(2) of this Part, the valve assembly is not adaptable to the through-the-valve fill; through-the-valve fill cannot be accomplished with at least 85% of the under-the-cup operating rate in cans per minute of filling; and performance, that is the discharge of the can's contents to accomplish its intended function, is negatively affected by through-the-valve fill considering factors such as propellant solubility in the can's contents and the amount of turbulence which the contents may experience during propellant filling; and

C) Verify proper filling of cans with a VOM monitoring system in the gas house. This system may monitor VOM concentration as a percentage of the lower explosive limit.

b) Every owner or operator of a propellant booster pump associated with an aerosol can filling line subject to this Subpart shall comply with one of the following requirements:

- 1) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emission of at least 81% from each pump. If the pumps are located in the gas house of a filling line, compliance with this reduction may be achieved by the combination of the pumps located

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

in the gas house and the propellant filling area;
or

- 2) Work practices to prevent leaks from a pump, meaning a loss of VOM from the pump above background levels. Work practices shall include changing seals every four (4) weeks and plungers every 16 weeks unless a pump monitoring procedure approved in a federally enforceable permit establishes otherwise.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994
Section 218.688 Testing

- a) When in the opinion of the Agency it is necessary to conduct testing to demonstrate compliance or verify effectiveness with Section 218.686 of this Part, the owner or operator of a VOM emission unit subject to the requirements of this Subpart shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in Section 218.105 of this Part.

- b) Nothing in this section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994
Section 218.690 Recordkeeping and Reporting for Exempt Emission Units

Upon request by the Agency, the owner or operator of an aerosol can filling line or propellant booster pump which is exempt from the requirements of Subpart DD of this Part shall submit to the Agency records documenting that the aerosol can filling line or propellant booster pump is exempt from those requirements. These records shall be submitted within 30 calendar days from the date of the request.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994
Section 218.692 Recordkeeping and Reporting for Subject Emission Units

- a) Any owner or operator of an aerosol can filling line or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

propellant booster pump which is subject to the requirements of Subpart DD of this Part and complying by means of the use of emission capture and control equipment shall comply with the following:

- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of an aerosol can filling line or propellant booster pump, the owner or operator of the subject line or pump shall demonstrate to the Agency that the subject line or pump will be in compliance on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date by submitting to the Agency all calculations and other supporting data, including descriptions and results of any tests the owner or operator may have performed.
- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject line or pump shall collect and record all of the following information each day and maintain the information at the source for a period of three years:

- A) Control device monitoring data.
 - B) A log of operating time for the capture system, control device, monitoring equipment and the associated lines and pumps; and
 - C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject line or pump shall notify the Agency:

- A) Of a violation of the requirements of Subpart DD of this Part by sending a copy of any records showing the violation to the Agency within 30 days following the occurrence of the violation; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) At least 30 calendar days before changing the method of compliance with Subpart DD of this Part from the use of capture systems and control devices to methods of filling cans, including use of a reclamation system or pump work practice, the owner or operator shall comply with the requirements of subsections (b)(1) or (c)(1) below, respectively. Upon changing the method of compliance with Subpart DD of this Part from the use of capture systems and control devices to compliance with the methods of filling cans or work practices, the owner or operator shall comply with all requirements of subsections (b) or (c) below, respectively.

b) Any owner or operator of an aerosol can filling line which is subject to the requirements of Subpart DD of this Part and complying by means of the methods of filling cans including use of a reclamation system shall comply with the following:

- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a line subject to Subpart DD of this Part, the owner or operator of the subject line shall certify to the Agency that the line will be in compliance on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:

- A) The name and identification number of each line which will comply by means of the methods of filling cans;
- B) The name and manufacturer's description of the can filling system;
- C) Calculations and other data to demonstrate the propellant losses with these systems, including a description and results of any test the owner or operator has performed;
- D) Technical and production data, along with calculations to demonstrate that the required percentage of cans capable of being filled by means of through-the-valve fill will be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

filled using through-the-valve fill;

- E) For a reclamation system, the parameters which will be monitored to demonstrate proper system operation, with justification;
- F) For a system approved in a federally enforceable permit, identification of such permit; and
- G) An example of the records which will be kept pursuant to subsections (b)(2) and (b)(3) below.

- 2) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of a subject line shall collect and record the following information for each type of product that is not filled by the through-the-valve method.

Information need be provided pursuant only to subsections (B), (C), (D) and (E) below to the extent that the information is relied upon by the owner or operator to demonstrate that a product is not capable of being filled by through-the-valve method. For this purpose, each formulation in a particular type of can with a particular type of valve assembly shall be addressed separately as a unique product considering the range of models of cans and valve assemblies, e.g., suppliers, sizes and weights of the type used for such product:

- A) Identifying information for the product type, including identification and description of the cans' contents, type and model of cans, type and models of valve assembly, and type of propellant and nominal propellant charge;
- B) Whether the valve assembly is able to be through-the-valve filled;
- C) Under-the-cup operating rate and projected through-the-valve fill operating rate;
- D) Information addressing the impact of through-the-valve fill on performance;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) Other supporting data; and
- F) Whether the product is deemed capable of being filled by the through-the-valve method.
- 3) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of a subject line shall collect and record all of the following information each day for each line and maintain the information at the source for a period of three years:
- A) Operating data for the line and fill systems;
- B) For a reclamation system, system monitoring data; and
- C) Number of cans filled which are capable of being filled by means of through-the-valve fill, determined in accordance with the records kept pursuant to subsection (b)(2) above and percentage of such cans actually filled using through-the-valve fill.
- 4) On and after the date consistent with Section 218.106 of this Part, the owner or operator of a subject line shall notify the Agency:
- A) Of a violation of the requirements of Subpart DD of this Part by sending a copy of any record showing the violation to the Agency within 30 days following the calendar quarter in which the violation occurred;
- B) At least 30 calendar days before changing the method of compliance with Subpart DD of this Part, from the methods of filling cans to the use of capture systems and control devices, the owner or operator shall comply with all requirements of subsection (a)(1) above. Upon changing the method of compliance, the owner or operator shall comply with all requirements of subsection (a) above.
- c) Any owner or operator of a propellant booster pump which is subject to the requirements of Subpart DD of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Part and complying by means of work practices, shall comply with the following:

- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a pump subject to Subpart DD of this Part, the owner or operator of the subject pump shall certify to the Agency that the pump will be in compliance on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:
- A) The name and identification number of each pump which will comply by means of work practices;
- B) The work practices which will be followed for the pump, including the means which will be used to determine whether the pump is leaking, that is, experiencing loss of VOM compared to background levels;
- C) For work practices approved in a federally enforceable permit, identification of such permit; and
- D) An example of the records which will be kept pursuant to subsection (c)(2) below.
- 2) On and after the date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject pump shall collect and record all of the following information each day for each pump and maintain the information at the source for a period of three years:
- A) Operating data for each pump, including date and time a leak in a pump is detected, date and time a leaking pump is removed from service and action taken to repair a pump; and
- B) A maintenance log for the pump, detailing all routine and non-routine maintenance performed including dates and duration of any outages.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject pump shall notify the Agency:
- A) Of a violation of the requirements of Subpart DD of this Part by sending a copy of any record showing the violation to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with Subpart DD of this Part from work practices to use of emission capture and control equipment, the owner or operator shall submit a revised certification pursuant to subsection (a)(1) above. Upon changing the method of compliance with Subpart DD of this Part, the owner or operator shall comply with all applicable requirements of subsection (a) above.

(Source: Added at Ill. Reg. _____, effective JAN 24 1994

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section 218.920 Applicability

a) The requirements of this Subpart shall apply to a source's miscellaneous fabricated product manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, O, R, S, T, V, X, Y, Z or BB if the source is subject to this Subpart. A source is subject to this Subpart if it contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Part), H (excluding Section 218.405 of this Part), O, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

- 1) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
- 2) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

a) Maximum theoretical emissions:

- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1)), H (excluding Section 218.405), O, R, S, T, (excluding Section 218.486) V, X, Y, Z or BB of this Part, which as a group both:
- A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and
- B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision.
- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous fabricated product manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, O, R, S, T, V, X, Y, Z, AA, or BB of this Part.

b) Potential to emit:

- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units that are:
- A) Not regulated by Subparts B, E, F, H, O, R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or
- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous fabricated product manufacturing process emission units, which are:

A) Not included within any of the categories specified in Subparts B, E, F, H, O, R, S, T, V, X, Y, Z, AA, BB, CC, or DD of this Part, or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- bC) If a source ceases to fulfill the criteria of subsections (a) and/or (b) above, the requirements of this Subpart shall continue to apply to a miscellaneous fabricated products manufacturing process emission unit which was ever-subject to the control requirements of Section 218.926 of this Part.

- ed) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 0.91 Mg (1.0 ton) per calendar year if the total emissions from such emission units not complying with Section 218.926 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year, provided that this provision shall not apply to an emission unit which is a leather coating line or operation at a source where the criteria of Section 218.920(a) above are not met.

- de) For the purposes of this Subpart, an emission unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is ~~not~~ considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

- ef) For the purposes of this Subpart, ~~uncontrolled~~ VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.

- fg) The control requirements in Subpart PP shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.

(Source: Amended at ___ Ill. Reg. ____, effective JAN 24 1994.)

Section 218.923 Permit Conditions (Repealed)

~~No person shall violate any condition in a permit when the condition results in exclusion of the source or an emission unit from this Subpart.~~

(Source: Repealed at ___ Ill. Reg. ____, effective JAN 24 1994.)

Section 218.926 Control Requirements

Every owner or operator of a miscellaneous fabricated product manufacturing process emission unit subject to this Subpart shall comply with the requirements of subsection (a), (b) or (c) of

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Section:

- a) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81% from each emission unit⁷; or

(Board Note: For the purpose of this provision, an emission unit is any part or activity at a source of a type that by itself is subject to control requirements in other Subparts of this Part or 40 CFR 60, incorporated by reference in Section 218.112, e.g., a coating line, a printing line, a process unit, a wastewater system, or other equipment, or is otherwise any part or activity at a source.)

- b) For coating lines⁷:

- 1) ~~The~~ daily-weighted average VOM content shall not exceed 0.42 kg VOM/l (3.5 lbs VOM/gal) of coating as applied (minus water and any compounds which are specifically exempted from the definition of VOM) during any day. Owners and operators complying with this ~~section~~ limitation are not required to comply with Section 218.301 of this Part⁷; or

- 2) For application of coatings to leather at a source where the criteria of Section 218.920(a) are not met:

- A) For application of stain coating to leather, other than specialty leather, either
- i) The VOM contained in stain coatings, other than stain coatings applied to the specialty leather, as applied at the source in any consecutive 12-month period shall not exceed 10 tons; or
 - ii) The application of stain coatings shall comply with Section 218.926(b)(2)(C) below; or
- B) For application of coatings to specialty leather, the total VOM content of all coatings, including stains, as applied to a

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Section:

category of specialty leather, shall not exceed 38 lbs per 1000 square feet of such specialty leather produced, determined on a monthly basis:

$$C = \frac{E}{A}$$

Where:

C = The VOM contained in all coatings applied to a category of specialty leather in units of lbs/square feet;

E = The total VOM content of all coatings applied to the category of specialty leather during each month in units of lbs determined as the sum of the VOM content of each coating applied during the month to such leather;

A = The total area of the category of specialty leather produced in the month in units of square feet, determined as the sum of the area of each type of leather item produced during the month based on the number of such items produced and the area of such item, measured or established in accordance with procedures set in a federally enforceable permit; or

- C) For application of coatings to leather, except for such coatings as are complying by means of Section 218.926(b)(2)(A) or (B) above, either

- i) The VOM content of each coating shall not exceed 0.42 kg VOM/l (3.5 lbs VOM/gal) of coating as applied (minus water and any compounds which are specifically exempted from the definition of VOM). Owners and operators complying with this limitation are not subject to Section 218.301 of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Part; or

- iii) The daily-weighted average VOM content shall not exceed 0.42 Kg VOM/l (3.5 lbs VOM/gal) of coating as applied as provided in Section 218.916(b)(1) above; or

- c) An equivalent alternative control plan which has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

(Source: Amended at Ill. Reg. _____, effective **JAN 24 1994**)

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section 218.940 Applicability

- a) ~~The requirements of this Subpart shall apply to a source's miscellaneous formulation manufacturing process emission units, which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z or BB of this Part if the source is subject to this Subpart. A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Part), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.466 of this Part), V, X, Y, Z or BB of this Part, which as a group both:~~

- 1) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and

- 2) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

- a) Maximum theoretical emissions:

- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1)), H (excluding Section 218.405), Q, R, S, T (excluding

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 218.486), V, X, Y, Z or BB of this Part, which as a group both:

- A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and

- B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP or FIP revision.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous formulation manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, or BB of this Part.

- b) Potential to emit:

- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units that are:

- A) Not regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or

- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous formulation

ILLINOIS REGISTER

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

manufacturing process emission units which are:

A) Not included within any of the categories specified in Subparts B, E, F, H, O, R, S, T, V, X, Y, Z, AA, BB, CC, or DD of this Part, or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

b) If a source ceases to fulfill the criteria of subsections (a) and/or (b) ~~of this Section~~ above, the requirements of this Subpart shall continue to apply to a miscellaneous formulation manufacturing process emission unit which was ever subject to the control requirements of Section 218.946 of this Part.

e) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such emission units not complying with this Section does not exceed 4.5 Mg (5.0 tons) per calendar year.

e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is ~~not~~ considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

e) For the purposes of this Subpart, ~~uncontrolled~~ VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.

g) The control requirements in Subpart QQ shall not apply

to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.

(Source: Amended at ___ Ill. Reg. ___, effective JAN 24 1994)

Section 218.943 Permit Conditions (Repealed)

~~No person shall violate any condition in a permit when the condition results in exclusion of the source or an emission unit from this Subpart.~~

(Source: Repealed at ___ Ill. Reg. ___, effective JAN 24 1994)

Section 218.946 Control Requirements

Every owner or operator of a miscellaneous formulation manufacturing process emission unit subject to this Subpart shall comply with the requirements of subsection (a) or (b) below.

a) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit, or

(Board Note: For the purpose of this provision, an emission unit is any part or activity at a source of a type that by itself is subject to control requirements in other Subparts of this Part or 40 CFR '60, incorporated by reference in Section 218.112, e.g., a coating line, a printing line, a process unit, a wastewater system, or other equipment, or is otherwise any part or activity at a source.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) An equivalent alternative control plan which has been approved by the Agency and USEPA in a federally enforceable permit or as a SIP revision.

(Source: Amended at Ill. Reg. _____, effective JAN 24 1994.)

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section 218.960 Applicability

- a) ~~The requirements of this Subpart shall apply to a source's miscellaneous organic chemical manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, or BB of this Part, if the source is subject to this Subpart. A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Part), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:~~

- 1) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
- 2) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

a) Maximum theoretical emissions:

- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1)), H (excluding Section 218.405), Q, R, S, T, (excluding Section 218.486) V, X, Y, Z or BB of this Part, which as a group both:

- A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous organic chemical manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, or BB of this Part.

b) Potential to emit:

- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units other than VOM leaks from components that are:

- A) Not regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or

- B) Not included in one of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous organic chemical manufacturing process emission units which are:

- A) Not included within the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, CC, or DD of this Part, or
- B) Not included in any of the following

ILLINOIS REGISTER

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.

b) If a source ceases to fulfill the criteria of ~~§~~subsections (a) and/or (b) ~~of this Section above~~, the requirements of this Subpart shall continue to apply to a miscellaneous organic chemical manufacturing process emission unit which was ~~ever~~ subject to the control requirements of Section 218.966 of this Part.

(Source: Amended at Ill. Reg. _____, effective JAN 24 1994)

Section 218.963 Permit Conditions (Repealed)

~~No person shall violate any condition in a permit when the condition results in exclusion of the source or an emission unit from this Subpart.~~

e) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 0.91 Mg (1.0 ton) per calendar year if the total emissions from such emission units not complying with Section 218.966 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year.

(Source: Repealed at Ill. Reg. _____, effective JAN 24 1994

Section 218.966 Control Requirements

Every owner or operator of a miscellaneous organic chemical manufacturing process emission unit subject to this Subpart shall comply with the requirements of subsection (a), (b), or (c) below.

e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is ~~not~~ considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

a) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit, or

(Board Note: For the purpose of this provision, an emission unit is any part or activity at a source of a type that by itself is subject to control requirements in other Subparts of this Part or 40 CFR 60, incorporated by reference in Section 218.112, e.g., a coating line, a printing line, a process unit, a wastewater system, or other equipment, or is otherwise any part or activity at a source.)

e) For the purposes of this Subpart, uncontrolled VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.

g) The control requirements in Subpart RR shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of

b) An equivalent alternative control plan which has been approved by the Agency and USEPA in a federally enforceable permit or as a SIP revision.

c) Any leaks from components subject to the control requirements of this Subpart shall be subject to the following control measures:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Repair any component from which a leak of VOL can be observed. The repair shall be completed as soon as practicable but no later than 15 days after the leak is found, unless the leaking component cannot be repaired until the process unit is shut down, in which case the leaking component must be repaired before the unit is restarted.

- 2) For any leak which cannot be readily repaired within one hour after detection, the following records, as set forth in this subsection, shall be kept. These records shall be maintained by the owner or operator for a minimum of two years after the date on which they are made. Copies of the records shall be made available to the Agency or USEPA upon verbal or written request.

- A) The name and identification of the leaking component;
- B) The date and time the leak is detected;
- C) The action taken to repair the leak; and
- D) The date and time the leak is repaired.

(Source: Amended at ___ Ill. Reg. ____, effective **JAN 24 1994**.)

SUBPART TT: OTHER EMISSION UNITS

Section 218.980 Applicability

- a) The requirements of this Subpart shall apply to a source's process VOM emission units, which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, PP, QQ, or RR of this Part, or are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146, if the source is subject to this Subpart. A source is subject to this Subpart if it contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Part), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

- 1) Have maximum theoretical emissions of 91 Mg (100

- tens) or more per calendar year of VOM if no air pollution control equipment were used, and
- 2) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

Maximum theoretical emissions:

- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1)), H (excluding Section 218.405), Q, R, S, T (excluding Section 218.486), V, X, Y, Z or BB of this Part, which as a group both:

- A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and
- B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's VOM emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, PP, QQ, or RR of this Part or which are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146.

Potential to emit:

- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units, other than furnaces at glass container manufacturing sources and VOM leaks from components, that are:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A) Not regulated by Subparts B, E, F, H, O, R, S, T, (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's VOM emission units, which are:

A) Not included within any of the categories specified in Subparts B, E, F, H, O, R, S, T, V, X, Y, Z, AA, BB, CC, DD, PP, QQ or RR of this Part, or which are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146 (excluding Section 201.146(o) and (p)), or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

bC) If a source ceases to fulfill the criteria of subsections (a) and/or (b), ~~of this section above~~, the requirements of this Subpart shall continue to apply to an emission unit which was ever subject to the control requirements of Section 218.986 of this Part.

ed) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

total emissions from such emission units not complying with Section 218.986 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year.

de) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is ~~not~~ considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

ef) The control requirements in Subpart TT shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin, and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; ~~and~~ iron and steel production; ~~and~~ furnaces at glass container manufacturing sources.

(Source: Amended at ___ Ill. Reg. ____, effective JAN 24 1994)

Section 218.983 Permit Conditions (Repealed)

~~No person shall violate any condition in a permit when the condition results in exclusion of the plant or an emission source from this Subpart.~~

(Source: Repealed at ___ Ill. Reg. ____, effective JAN 24 1994)

Section 218.986 Control Requirements

Every owner or operator of an emission unit subject to this

ILLINOIS REGISTER

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Subpart shall comply with the requirements of subsection (a), (b), (c), (d), or (e) below.

- a) Emission capture and control equipment which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit, or

(Board Note: For the purpose of this provision, an emission unit is any part or activity at a source of a type that by itself is subject to control requirements in other Subparts of this Part or 40 CFR 60, incorporated by reference in Section 218.112, e.g., a coating line, a printing line, a process unit, a wastewater system, or other equipment, or is otherwise any part or activity at a source.)

- b) For coating lines, the daily-weighted average VOM content shall not exceed 0.42 kg VOM/l (3.5 lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied during any day. Owners and operators complying with this Section are not required to comply with Section 218.301 of this Part, or
- c) An equivalent alternative control plan which has been approved by the Agency and USEPA in a federally enforceable permit or as a SIP revision.
- d) Non-contact process water cooling towers which are subject to the control requirements of this Subpart shall comply with the following control measures no later than March 15, 1995 or upon initial startup:
 - 1) The owner or operator of a non-contact process water cooling tower shall perform the following actions to control emissions of volatile organic material (VOM) from such a tower:
 - A) Inspect and monitor such tower to identify leaks of VOM into the water, as further specified in subsection (d)(3) below;
 - B) When a leak is identified, initiate and carry out steps to identify the specific leaking component or components as soon as practicable, as further specified in subsection (d)(4) below.

- C) When a leaking component is identified which:

- i) Can be removed from service without disrupting production, remove the component from service;
- ii) Cannot be removed from service without disrupting production, undertake repair of the component at the next reasonable opportunity to do so including any period when the component is out of service for scheduled maintenance, as further specified in subsection (d)(4) below;

- D) Maintain records of inspection and monitoring activities, identification of leaks and leaking components, elimination and repair of leaks, and operation of equipment as related to these activities, as further specified in subsection (d)(5) below.

- 2) A VOM leak shall be considered to exist in a non-contact process water cooling water system if the VOM emissions or VOM content exceed background levels as determined by monitoring conducted in accordance with subsection (d)(3)(A) below.

- 3) The owner or operator of a non-contact process water cooling tower shall carry out an inspection and monitoring program to identify VOM leaks in the cooling water system.

- A) The owner or operator of a non-contact process water cooling tower shall submit to the Agency a proposed monitoring program, accompanied by technical justification for the program, including justification for the sampling location(s), parameter(s) selected for measurement, monitoring and inspection frequency, and the criteria used relative to the monitored parameters to determine whether a leak exists as specified in subsection (d)(2) above.

- B) This inspection and monitoring program for non-contact process water cooling towers

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall include, but shall not be limited to:

- i) Monitoring of each such tower with a water flow rate of 25,000 gallons per minute or more at a petroleum refinery at least weekly and monitoring of other towers at least monthly;
- ii) Inspection of each such tower at least weekly if monitoring is not performed at least weekly.

C) This inspection and monitoring program shall be carried out in accordance with written procedures which the Agency shall specify as a condition in a federally enforceable operating permit. These procedures shall include the VOM background levels for the cooling tower as established by the owner or operator through monitoring; describe the locations at which samples will be taken; identify the parameter(s) to be measured, the frequency of measurements, and the procedures for monitoring each such tower, that is, taking of samples and other subsequent handling and analyzing of samples; provide the criteria used to determine that a leak exists as specified in subsection (d)(2) above; and describe the records which will be maintained.

D) A non-contact process water cooling tower is exempt from the requirements of subsections (d)(3)(B) and (d)(3)(C) above if all equipment where leaks of VOM into cooling water may occur is operated at a minimum pressure in the cooling water of at least 35 kPa greater than the maximum pressure in the process fluid.

4) The repair of a leak in a non-contact process water cooling tower shall be considered to be completed in an acceptable manner as follows:

A) Efforts to identify and locate the leaking components are initiated as soon as practicable, but in no event later than three

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

days after detection of the leak in the cooling water tower;

B) Leaking components shall be repaired or removed from service as soon as possible but no later than 30 days after the leak in the cooling water tower is detected, unless the leaking components cannot be repaired until the next scheduled shutdown for maintenance.

5) The owner or operator of a non-contact process water cooling tower shall keep records as set forth below in this subsection. These records shall be retained at a readily accessible location at the source and shall be available for inspection and copying by the Agency for at least 3 years:

- A) Records of inspection and monitoring activity;
- B) Records of each leak identified in such tower, with date, time and nature of observation or measured level of parameter;
- C) Records of activity to identify leaking components, with date initiated, summary of components inspected with dates, and method of inspection and observations;
- D) Records of activity to remove a leaking component from service or repair a leaking component, with date initiated and completed, description of actions taken and the basis for determining the leak in such tower has been eliminated. If the leaking component is not identified, repaired or eliminated within 30 days of initial identification of a leak in such tower, this report shall include specific reasons why the leak could not be eliminated sooner including all other intervening periods when the process unit was out of service, actions taken to minimize VOM losses prior to elimination of the leak and any actions taken to prevent the recurrence of a leak of this type.

ILLINOIS REGISTER

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

6) The owner or operator of a non-contact process water cooling tower shall submit an annual report to the Agency which provides:

- A) The number of leaks identified in each cooling tower;
- B) A general description of activity to repair or eliminate leaks which were identified;
- C) Identification of each leak which was not repaired in 30 days from the date of identification of a leak in such a tower, with description of the leaks, explanation why the leak was not repaired in 30 days;
- D) Identification of any periods when required inspection and monitoring activities were not carried out.

e) Any leaks from components subject to the control requirements of this Subpart shall be subject to the following control measures by March 15, 1995:

- 1) Repair any component from which a leak of VOL can be observed. The repair shall be completed as soon as practicable but no later than 15 days after the leak is found, unless the leaking component cannot be repaired until the next process unit shutdown, in which case the leaking component must be repaired before the unit is restarted.
- 2) For any leak which cannot be readily repaired within one hour after detection, the following records, as set forth below in this subsection, shall be kept. These records shall be maintained by the owner or operator for a minimum of two years after the date on which they are made. Copies of the records shall be made available to the Agency or USEPA upon verbal or written request.
 - A) The name and identification of the leaking component;
 - B) The date and time the leak is detected;

- C) The action taken to repair the leak; and
- D) The date and time the leak is repaired.

(Source: Amended at ___ Ill. Reg. ____, effective JAN 24 1994)

SUBPART UU: RECORDKEEPING AND REPORTING

Section 218.991 Subject Emission Units

- a) Any owner or operator of a VOM emission unit which is subject to the requirements of Subpart PP, QQ, RR or TT and complying by the use of emission capture and control equipment shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new emission unit, the owner or operator of the subject VOM emission unit shall demonstrate to the Agency that the subject emission unit will be in compliance on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date by submitting to the Agency all calculations and other supporting data, including descriptions and results of any tests the owner or operator may have performed.

- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject VOM source shall collect and record all of the following information each day and maintain the information at the source for a period of three years:
 - A) Control device monitoring data;
 - B) A log of operating time for the capture system, control device, monitoring equipment and the associated emission source;
 - C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject VOM emission source shall notify the Agency: ~~in the~~

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

after the initial start-up date. Such certification shall include:

- A) The name and identification number of each coating line which will comply by means of the daily-weighted average VOM content limitation-~~i~~
 - B) The name and identification number of each coating as applied on each coating line-~~i~~
 - C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line-~~i~~
 - D) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line-~~i~~
 - E) The method by which the owner or operator will create and maintain records each day as required in subsection (b)(2) ~~of this Section above~~; and
 - F) An example of the format in which the records required in subsection (b)(2) ~~of this Section above~~ will be kept.
- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line-~~i~~
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line-~~i~~ and
 - C) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 218.104 of this Part.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

following instances:

- A) ~~Any record showing~~ Of any violation of the requirements of Subpart PP, QQ, RR or TT ~~shall be reported by sending a copy of such any record showing a violation to the Agency within 30 days following the occurrence of the violation-~~i~~~~
 - B) At least 30 calendar days before changing the method of compliance with Subpart PP or TT from the use of capture systems and control devices to the use of complying coatings, the owner or operator shall comply with all requirements of subsection (b)(1) ~~of this Section above~~. Upon changing the method of compliance with Subpart PP or TT from the use of capture systems and control devices to the use of complying coatings, the owner or operator shall comply with all requirements of subsection (b) ~~of this Section above~~.
- 4) ~~Testing.~~
- A) When, in the opinion of the Agency it is necessary to conduct testing to demonstrate compliance with this Subpart, the owner or operator of a VOM emission source subject to the requirements of this Subpart shall, at his own expense, conduct such tests in accordance with the applicable test methods and procedures specified in Section 218.105 of this Part.
 - B) Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.
- b) Any owner or operator of a coating line which is subject to the requirements of Subpart PP or TT and complying by means of the daily-weighted average VOM content limitation shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a coating line subject to Subpart PP or TT, the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance on and after a date consistent with Section 218.106 of this Part, or on and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency ~~in the following instances:~~

- A) ~~Any record showing~~ Of a violation of the requirements of Subpart PP or TT ~~shall be reported~~ by sending a copy of ~~such~~ any record showing a violation to the Agency ~~and the USEPA~~ within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with Subpart PP or TT from the use of complying coatings to the use capture systems and control devices, the owner or operator shall comply with all requirements of subsection (a)(1) ~~of this section~~ above. Upon changing the method of compliance with Subpart PP or TT from the use of complying coatings to the use capture systems and control devices, the owner or operator shall comply with all requirements of subsection (a) ~~of this section~~ above.

- c) Any owner or operator of a VOM source which is subject to the requirements of Subpart PP, QQ, RR or TT and complying by means of an equivalent alternative control plan which has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision shall comply with the recordkeeping and reporting requirements specified in the alternative control plan.

- d) Any owner or operator of a leather coating operation, i.e., the group of all coating lines at a source engaged in application of stain to leather other than specialty leather, or the group of all coating lines at a source engaged in applying coatings, including stain, to a category of specialty leather, or the group of all coating lines at a source engaged in application of coatings to leather complying by means of the VOM content of each gallon of coating as applied, which is subject to the requirements of Subpart PP which is complying by means of Section 218.926(b)(2)(A), (B), or (C)(i), respectively, of this Part shall comply with the following:

- 1) By a date consistent with Section 218.106 of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Part, or upon initial start-up of a leather coating operation which is complying by means of Section 218.926(b)(2)(A), (B) or (C)(i) of this Part, the owner or operator of the subject leather coating operation shall certify to the Agency that the leather coating operation will be in compliance on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:

- A) A description of the leather coating operation, including identification of the applicable requirement with which it will comply, i.e., Section 218.926(b)(2)(A), (B), or (C)(i) of this Part;
- B) A description of the types of leather produced and a demonstration that all leather produced qualifies as specialty leather and is in a single category of specialty leather, if the leather coating operation is complying by means of Section 218.926(b)(2)(B) of this Part;
- C) The name and identification number of each coating line in the leather coating operation;
- D) The name, identification number, and type, i.e., stain or "other," of each coating as applied in the leather coating operation;
- E) The weight of VOM per volume as applied and the volume of each coating as applied in the leather coating operation on a monthly basis if the leather coating operation is complying by means of Section 218.926(b)(2)(A) or (B) of this Part, or otherwise the weight of VOM per volume of coating as applied (minus water and any compounds which are specifically exempted from the definition of VOM);
- F) The production of leather in square feet on a monthly basis, including the number of each leather item produced and the area of such item, if the leather coating operation is

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A) The name, identification number, and type of each coating as applied in the leather coating operation;

B) Records of the leather produced in the leather coating operation which identify all leather produced in the operation and confirm it qualifies as the specified category of specialty leather, if the leather coating operation is complying by means of Section 218.926(b)(2)(B) of this Part;

C) The weight of VOM per volume and the volume of each coating as applied in the leather coating operation on a monthly basis determined in accordance with the procedures described pursuant to Section 218.991(d)(1)(H) above if the leather coating operation is complying by means of Section 218.926(b)(2)(A) or (B), or otherwise the greatest weight of VOM per volume of coating as applied (minus water and any compounds which are specifically exempted from the definition of VOM);

D) The production of leather in square feet on a monthly basis, including the number of each leather item produced and the area of such item determined in accordance with the procedures described pursuant to Section 218.991(d)(1)(I) above and as set forth as a federally enforceable permit condition, if the leather coating operation is complying by means of Section 218.926(b)(2)(B) of this Part;

E) A demonstration that the leather coating operation complies with the applicable requirement among Section 218.926(b)(2)(A) or (B) of this Part, if applicable, expressed in the terms of such requirement, i.e., total tons of VOM contained in stain coatings other than stain coating during a consecutive 12-month period or 1b VOM/1000 square feet of specialty leather produced on a monthly basis, accompanied by the calculations by which it was determined;

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

complying by means of Section 218.926(b)(2)(B);

G) A demonstration that the leather coating operation complies with the applicable requirement among Section 218.926(b)(2)(A) or (B) of this Part, if applicable, expressed in the terms of such requirement, i.e., total tons of VOM contained in stain coatings other than stain coating during a consecutive 12-month period or 1b VOM/1000 square feet of specialty leather produced on a monthly basis, accompanied by the calculations by which it was determined;

H) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied in the leather coating operation on a monthly basis, if the leather coating operation is complying by means of Section 218.926(b)(2)(A) or (B);

I) The instrument or method by which the owner or operator will accurately measure or calculate the area of such category of leather produced on a monthly basis if the leather coating operation is complying by means of Section 218.926(b)(2)(B);

J) The method by which the owner or operator will create and maintain monthly records as required in subsection (d)(2) below; and

K) An example of the format in which the records required in subsection (d)(2) below will be kept.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject leather coating operation shall collect and record all of the following information for the leather coating operation on a monthly basis and maintain the information at the source for a period of three years:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject leather coating operation shall notify the Agency: _____

A) Of any violation of the requirements of Subpart PP by sending a copy of any record showing a violation to the Agency within 30 days following the occurrence of the violation;

B) At least 30 calendar days before changing the method of compliance with Subpart PP from the use of complying coatings to the use capture systems and control devices or daily-weighted average VOM content limitation, the owner or operator shall comply with all requirements of subsection (a)(1) or (b)(1) above, respectively. Upon changing the method of compliance with Subpart PP from the use of complying coatings to the use capture systems and control devices or daily-weighted average VOM content limitation, the owner or operator shall comply with all requirements of subsection (a) or (b) above, respectively.

(Source: Amended at ___ Ill. Reg. _____, effective JAN 24 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Adopted Action:
113.155 Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)[305 ILCS 5/3-1 and 12-13]
- 5) Effective Date of Amendments: January 21, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 21, 1994
- 9) Notice of Proposal Published in Illinois Register:
August 13, 1993 (17 Ill. Reg. 13380)
- 10) Has JC&R issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In Section 113.155(c), "for the transfer of property (i.e., assets)," was underlined as new language. In addition, the treatment of multiple transfers of assets was simplified and therefore deletions were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.253	Amendment	December 27, 1993 (17 Ill. Reg. 21982)
113.260	Amendment	December 27, 1993 (17 Ill. Reg. 21982)

- 15) Summary and Purpose of Amendments: These proposed amendments are in response to recommendations from the Office of the Auditor General. Language is added to the rule to place the burden of proof on the client regarding the intent of asset transfers made for less than fair market

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

value, to provide provisions for multiple transfers of assets and to delete language regarding transfers in which the person did not consent to or assist in the transfer. The intent of this rulemaking is to deter illegal transfer of assets which are made to become eligible for public assistance. These proposed amendments allow for multiple transfers of assets to be considered as a single transfer. This rulemaking also intends to prevent the use of multiple transfers from shortening a period of ineligibility. Amendments regarding asset transfers are also being proposed to the Medical Assistance Program rules (89 Ill. Adm. Code 120).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
 113.1
 113.5

Description of the Assistance Program
 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
 113.9
 113.10
 113.20
 113.30
 113.40
 113.50
 113.60
 113.70
 113.80

Client Cooperation
 Citizenship
 Residence
 Age
 Blind
 Disabled
 Living Arrangement
 Institutional Status
 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
 113.100
 113.101
 113.102

 113.103
 113.104
 113.105
 113.106
 113.107
 113.108
 113.109
 113.110
 113.111
 113.112
 113.113
 113.114

 113.115
 113.116

Unearned Income
 Budgeting Unearned Income
 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 Initial Receipt of Unearned Income
 Termination of Unearned Income
 Unearned Income In-Kind
 Earmarked Income
 Lump Sum Payments and Income Tax Refunds
 Protected Income (Repealed)
 Earned Income (Repealed)
 Budgeting Earned Income (Repealed)
 Protected Income
 Earned Income
 Exempt Unearned Income
 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 Initial Employment
 Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

113.117 Budgeting Earned Income For Non-contractual School Employees

113.118 Termination of Employment

113.120 Exempt Earned Income

113.125 Recognized Employment Expenses

113.130 Income From Work/Study/Training Programs

113.131 Earned Income From Self-Employment

113.132 Earned Income From Roomer and Boarder

113.133 Earned Income From Rental Property

113.134 Earned Income In-Kind

113.139 Payments from the Illinois Department of Children and Family

Services

113.140 Assets

113.141 Exempt Assets

113.142 Asset Disregard

113.143 Deferral of Consideration of Assets

113.154 Property Transfers For Applications Filed Prior To October 1, 1989

(Repealed)

113.155 Property Transfers For Applications Filed On Or After October 1,

1989

113.156 Court Ordered Child Support Payments of Parent/Step-Parent

113.157 Sponsors of Aliens

113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section

113.245 Payment Levels for AABD

113.246 Personal Allowance

113.247 Personal Allowance Amounts

113.248 Shelter

113.249 Utilities and Heating Fuel

113.250 Laundry

113.251 Telephone

113.252 Transportation, Lunches, Special Fees

113.253 Allowances for Increase in SSI Benefits

113.254 Nursing Care or Personal Care in Home Not Subject to Licensing

113.255 Sheltered Care in a Licensed Group Care Facility

113.256 Shopping Allowance

113.257 Special Allowances for Blind and Partially Sighted (Blind Only)

113.258 Home Delivered Meals

113.259 AABD Fuel and Utility Allowances By Area

113.260 Sheltered Care Rates

113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled

Nursing Facilities, DMHDD Facilities and All Other Licensed Medical

Facilities

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section

113.300 Persons Who May Be Included In the Assistance Unit

113.301 Grandfathered Cases

113.302 Interim Assistance (Repealed)

113.303 Special Needs Authorizations

113.304 Retrospective Budgeting

113.305 Budgeting Schedule

113.306 Purchase and Repair of Household Furniture (Repealed)

113.307 Property Repairs and Maintenance

113.308 Excess Shelter Allowance

113.309 Limitation on Amount of AABD Assistance to Recipients from Other

States

113.320 Redetermination of Eligibility

113.330 Attorney's Fees for VA Appellants

SUBPART F: INTERIM ASSISTANCE

Section

113.400 Description of the Interim Assistance Program

113.405 Pending SSI Application

113.410 More Likely Than Not Eligible for SSI

113.415 Non-Financial Factors of Eligibility

113.420 Financial Factors of Eligibility

113.425 Payment Levels for Chicago Interim Assistance Cases

113.430 Payment Levels for all Interim Assistance Cases Outside Chicago

113.435 Medical Eligibility

113.440 Attorney's Fees for SSI Applicants

113.445 Advocacy Program for Persons Receiving Interim Assistance

113.450 Limitation on Amount of Interim Assistance to Recipients from Other

States

113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/3-1 and 12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 10, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 38, P. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 511, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8186, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20980, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.155(e)(1) (continued)

entry into the long term care facility;

- 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;

- 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

- 4) homestead property was transferred to:

- A) a spouse;

- B) the individual's child who is under age 21;

- C) the individual's child who is blind or permanently and totally disabled;

- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or

- E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility;

- 5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. _____, effective January 21, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.155 Property Transfers For Applications Filed On Or After October 1, 1989

- a) The provisions for the transfer of property (i.e., assets) listed in subsections (d)-(e) and (f) below apply to residents of long term care facilities who apply for assistance on or after October 1, 1989, regardless of the date of the transfer and to residents whose application is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) The provisions for the transfer of property (i.e., assets) listed in subsections (d)-(e) and (f) below apply to a resident's spouse when the resident applies for assistance on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.

- c) The provisions for the transfer of property (i.e., assets) listed in subsections (d)-(e) and (f) below do not apply to eligibility determinations for individuals who reside in the community.

- d) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

- e) A transfer is allowable if:

- 1) the transfer occurred more than thirty (30) months from before the date of application or more than thirty (30) months before

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.155(e)(5) (continued)

price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 89 Ill. Adm. 120.61) as determined by a fair hearing; or

B) The amount transferred under a court order to the community spouse;

6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;

7) the individual intended to transfer the assets for fair market value;

8) It is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:

A) the resident is mentally unable to explain how the assets were transferred;

B) the denial of assistance would force the resident to move from the long term care facility; or

C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;

9) ~~it is determined that the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;~~

10) the transfer by the resident was to the community spouse and was the result of a court order; ~~or~~

11) ~~the individual did not consent to or assist in the transfer (for example, a joint bank account in which monies are withdrawn without the permission of the individual);~~

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.155 (continued)

f) Transfers of assets which do not meet the provisions of subsection (e) are considered as a single transfer of the total amount of assets with the period of ineligibility determined in accordance with subsection (g).

g) If the transfer(s) does not fall within the existing meet the provisions of subsection (e) above, the resident is ineligible beginning with the month of the first transfer in which such assets were transferred and until whichever occurs first:

1) the period-of-time number of months the total uncompensated amount of the transferred asset assets would meet the monthly cost of long term care (private rate) at the facility; or

2) thirty (30) months from the month of the first transfer.

(Source: Amended at 18 Ill. Reg. _____, effective January 21, 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Assistance Standards

2) Code Citation: 89 Ill. Adm. Code 111

3) Section Number: Adopted Action:

111.101 Amendment

4) Statutory Authority: Section 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.11 and 12-13) [305 ILCS 5/12-4.11 and 12-13]

5) Effective Date of Amendments: January 21, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 21, 1994

9) Notice of Proposal Published in Illinois Register:

October 29, 1993 (17 Ill. Reg. 18764)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No changes have been made to the text of this rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

111.20 Amendment December 31, 1993 (17 Ill. Reg. 22762)
111.101 Amendment December 31, 1993 (17 Ill. Reg. 22762)

15) Summary and Purpose of Amendments: This rulemaking increases the Department's Assistance Standards in accordance with the methodology established in Section 111.20. The Public Aid Code requires that the Assistance Standards be updated every January based on the increase in the Consumer Price Index (CPI) for the previous fiscal year. The CPI increase for the period June 1992 through June 1993 was 2.7%. The amount of the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

increase to be effective January 1, 1994, based on this methodology, is 2.7%.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna

Address: Bureau of Rules and Regulations

Illinois Department of Public Aid

100 South Grand Avenue East, Third Floor

Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 111
ASSISTANCE STANDARDS

Section	
111.1	Incorporation By Reference
111.10	Establishment of Assistance Standards
111.20	Computation of the Assistance Standards
111.30	Amount of Assistance Standards (Family of 1)
111.40	Amount of Assistance Standards (Family of 2)
111.50	Amount of Assistance Standards (Family of 3)
111.60	Amount of Assistance Standards (Family of 4)
111.70	Amount of Assistance Standards (Family of 5)
111.80	Amount of Assistance Standards (Family of 6)
111.90	Amount of Assistance Standards (Family of 7 thru 18)
111.100	Amount of Assistance Standards (Child-Only Cases) (Repealed)
111.101	Current Assistance Standards
111.110	Adjustments Following Court Orders

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 12-4.11 and 12-13) [305 ILCS 5/Arts. 3, 4, 6; and 5/12-4.11 and 12-13].

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. _____, effective January 21, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 111.101 Current Assistance Standards

Adults and Children

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 111.101 (continued)

Family Size	Group I	Group II	Group III
1 (AFDC and Refugee/ Repatriate Assistance) 1 (All Other Programs)	\$501	\$482	\$499
2	390	378	364
3	633	612	584
4	867	839	801
5	978	952	920
6	1147	1113	1071
7	1388	1322	1267
8	1455	1390	1338
9	1541	1463	1412
10	1582	1538	1485
11	1666	1619	1566
12	1752	1705	1645
13	1846	1795	1733
14	1943	1889	1822
15	2046	1989	1920
16	2154	2096	2022
17	2268	2207	2128
18	2388	2323	2242

Child-Only

1	241	229	222
2	475	458	444
3	589	572	560
4	754	735	714
5	895	872	849
6	962	938	914
7	1035	1009	978
8	1109	1084	1052
9	1189	1160	1127
10	1272	1240	1205
11	1361	1327	1287
12	1452	1416	1373

For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended at 18 Ill. Reg. _____, effective January 21, 1994)

ILLINOIS REGISTER

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:
121.27 New Section
121.28 New Section
121.29 New Section
121.182 Amendment
- 4) Statutory Authority:
Sections 121.27 thru 121.29
Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
Section 121.182
Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Amendments: January 21, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 21, 1994
- 9) Notice of Proposal Published in Illinois Register:
Sections 121.27 thru 121.29
October 22, 1993 (17 Ill. Reg. 18425)
Section 121.182
September 17, 1993 (17 Ill. Reg. 14798)
- 10) Has JCARE issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:
Sections 121.27 thru 121.29

No substantive changes were made to the text of this rulemaking.

Section 121.182

Based on a recommendation made by the Administrative Code Division, "amended at 17 Ill. Reg. 14625, effective August 26, 1993," was inserted prior to this rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
Sections 121.27 thru 121.29 Section 121.182
No Yes
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
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121.170	Amendment	October 8, 1993 (17 Ill. Reg. 16405)
121.174	Amendment	October 8, 1993 (17 Ill. Reg. 16405)
121.182	Amendment	December 27, 1993 (17 Ill. Reg. 21991)
121.188	Amendment	December 27, 1993 (17 Ill. Reg. 21991)

15) Summary and Purpose of Amendments:

Sections 121.27 thru 121.29

These proposed amendments are needed to place in to rule the provisions regarding Voluntary Quit for the Department's Food Stamp Program. In the adoption of provisions governing the Food Stamp Employment and Training program, including the addition of Earnfare provisions, these necessary provisions were inadvertently repealed. The amendments took effect on March 19, 1993. The affected provisions are Sections 121.27, 121.28 and 121.29.

Voluntary quit policy applies to the primary wage earner of the food stamp household or designated head of the food stamp household if there is no primary wage earner. The primary wage earner is defined as the household member who was earning the most money in the two months prior to the month of the quit. If within the 60 days before the date of initial application it is determined that the designated person has without good cause voluntarily quit his/her most recent job, the entire household is ineligible for Food Stamp benefits for three fiscal months. If, however, the individual quits a job for good cause, the household is not

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

disqualified from Food Stamp participation due to the voluntary quit policy.

Voluntary quit policy does not apply to:

- 1) Persons who are not the primary wage earner in the household;
- 2) Persons who are not the designated head of household if there is no primary wage earner; or
- 3) Persons who are exempt from work registration requirements.

The following job situations are not considered a voluntary quit:

- 1) The number of hours of employment are reduced while working for the same employer;
- 2) A self-employment enterprise is terminated;
- 3) The employer demands that the person resign from a job;
- 4) The hours of employment are less than 20 hours per week; or
- 5) The weekly earnings are less than 20 hours multiplied by the federal hourly minimum wage.

These proposed amendments include provisions for good cause for voluntarily quitting a job and exemptions from the voluntary job quit rule.

Section 121.182

These proposed amendments are being filed to encourage increased client participation and early entry into unsubsidized employment. Currently, Earnfare participants who have lost eligibility due to the six month Earnfare maximum may have no source of income and therefore lack transportation money to get to job interviews.

These proposed amendments provide that individuals will remain financially eligible for Earnfare and Earnfare job search activities as long as they receive food stamps. As a result of these proposed amendments, participants in the Earnfare Job Search will be eligible for employer contact related expenses every thirty days from a maximum of two months in a twelve consecutive month period. In addition, Earnfare clients will be able to participate in voluntary job search activity as long as resources permit. There will be no sanctions for failure to comply. Earnfare clients will be able to participate for two months in a twelve consecutive period, either concurrently or following the six month eligibility period for Earnfare.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements (Repealed)
121.24	Individuals Exempt From Work Registration Requirements (Repealed)
121.25	Failure to Comply (Repealed)
121.26	Period of Disqualification (Repealed)
121.27	Voluntary Job Quit (Repealed)
121.28	Good Cause for Voluntary Job Quit (Repealed)
121.29	Exemptions from Voluntary Quit Rule (Repealed)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Earned Income In-Kind
Sponsors of Aliens
Assets
Exempt Assets
Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Persons Who May Be Included in the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Direct Mail Issuance of Food Stamp Coupons
121.94	Replacement of Food Stamp Coupons
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Food Stamp Simplified Application Demonstration Project (Repealed)
121.120	Recertification of Eligibility
121.130	Residents of Shelters for Battered Women and their Children
121.135	Incorporation By Reference

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation

121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component
121.182 Earnfare Component

121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)

121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)

121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)

121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195, amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9908, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. _____, effective January 21, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.27 Voluntary Job Quit (Repeated)

- a) If within 60 days before the date of initial application, the primary wage earner of the food stamp household has, without good cause, voluntarily quit his/her job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit.
- b) If the primary wage earner, or designated head of household if there is no primary wage earner, of a participating Food Stamp household has, without good cause, voluntarily quit his/her job, the entire household is ineligible for Food Stamp benefits for three fiscal months (see 89 Ill. Adm. Code 101.20).
- c) Primary Wage Earner: The household member who has been earning the most money to support the household in the two months prior to the month of the quit. The primary wage earner need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the federal minimum wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage earner if the parent or household member acting as a parent is registered for work or exempt from work registration because the individual:
 - 1) is subject to and participating in Project Chance under AFDC requirements;
 - 2) receives or is expected to receive Unemployment Insurance Benefits; or
 - 3) is employed or self employed and working a minimum of 30 hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage.
- d) A federal, State or local government employee who participates in a strike against such government and is dismissed from his/her job because of participation in the strike is considered to have voluntarily quit his/her job without good cause.
- e) If the household provides questionable information (that is, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether the primary wage earner has voluntarily quit employment, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.27 (continued)

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section adopted at 18 Ill. Reg. ____, effective January 21, 1994)

Section 121.28 Good Cause for Voluntary Job Quit (Repealed)

a) Circumstances beyond the person's control, including but not limited to:

- 1) illness;
 - 2) illness of another household member requiring the presence of the primary wage earner;
 - 3) a household emergency;
 - 4) lack of transportation; or
 - 5) lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).
- b) Resignation from a job which is considered "unsuitable" or becomes "unsuitable" after acceptance of the job. Employment is considered "unsuitable" if:

- 1) wages are below federal or State minimum wage;
- 2) the primary wage earner is required to join or refrain from joining a labor union;
- 3) the work site is subject to a strike or lockout;
- 4) the degree of risk to health or safety is unreasonable;
- 5) the primary wage earner is physically or mentally unable to perform the employment;
- 6) the distance from the member's home to the place of employment is unreasonable (daily commuting exceeds two hours a day).
- c) Discrimination by employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- d) Work demands or conditions that make it unreasonable to continue employment, including, but not limited to, a person working and not being paid on schedule.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.28 (continued)

e) Acceptance of new employment, requiring that the primary wage earner leave the current job.

f) Acceptance by any other household member of employment in a different county, requiring that the household move and that the primary wage earner leave the job.

g) Educational enrollment by the primary wage earner, at least half time, in any recognized school, training program or institution of higher education.

h) Educational enrollment of a household member in another county, requiring that the household move and that the primary wage earner leave the job. Enrollment must be at least half time in any recognized school, training program or institution of higher education.

i) Resignation from employment by a person who is under 60 which the employer recognizes as retirement.

j) Acceptance of a bona fide offer of employment which, because of circumstances beyond the primary wage earner's control, does not materialize, turns out to be less than 20 hours a week, or pays less than the federal minimum wage times 20 hours per week.

k) Leaving a job in connection with patterns of employment, e.g. migrant farm labor.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section adopted at 18 Ill. Reg. ____, effective January 21, 1994)

Section 121.29 Exemptions from Voluntary Quit Rule (Repealed)

a) Hours of employment are reduced while working for the same employer;

b) Termination of self-employment enterprise;

c) Employer demands that person resign from job;

d) Persons who are exempt from the work registration requirements.

(Source: Repealed at 17 Ill. Reg. 4333, effective March 19, 1993; new Section adopted at 18 Ill. Reg. ____, effective January 21, 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section 121.182 Earnfare Component

- a) Assignment to the Earnfare Component is limited to food stamp individuals who are initially otherwise eligible for Transitional Assistance and who are "employable" and volunteer to participate in Earnfare.
- b) Eligibility Criteria
 - 1) Eligibility for the Earnfare Component shall be limited to six (6) months out of any twelve (12) consecutive month period.
 - 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
 - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.
- c) Administration and Contracts
 - 1) The Illinois Department shall administer the Earnfare program in Chicago.
 - 2) The Illinois Department may enter into cooperative agreements with local governmental units that receive state funds and want to participate in the operation of the Earnfare program outside the city of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units.
 - 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the program.
 - 4) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.
 - d) Notification and Referrals
 - 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.182(d)(1) (continued)

- them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.
- A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
 - B) All persons denied or terminated from State Transitional Assistance because they are employable; and
 - C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.
- 2) The Illinois Department and participating downstate units shall make referrals to the Earnfare program as follows:
 - A) Any person may request a referral.
 - B) Within thirty (30) days after a request for an Earnfare referral:
 - i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
 - ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.
 - 3) Within thirty (30) days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.
 - e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:
 - 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
 - 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.182(e) (continued)

- 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
 - 4) there is no unreasonable degree of risk to the individual's health and safety; and
 - 5) the individual is physically and mentally competent to perform the work.
- f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
- g) Entry into the Component
- 1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community based and local organizations, other public agencies, including State agencies, and with private employers.
 - 2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.
 - 3) The Department and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.182(g)(3) (continued)

- in writing or by phone, during regular business hours.
- h) Payments
- 1) Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall receive payment for each additional hour of performance in Earnfare activity, up to a maximum of \$154.00 per month. An individual is considered to have participated in Earnfare in any month he/she earns a payment. Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours. During an individual's Earnfare participation the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.
 - 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps.
 - 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation.
 - 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department or the local governmental unit. The Department or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.
 - 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.182(h)(5) (continued)

from the Earnfare site. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.

- 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed twenty dollars (\$20.00) every thirty (30) days for a maximum of two months in a twelve (12) consecutive month period.

- i) Participation Requirements

- 1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six (6) months out of any twelve (12) consecutive month period. Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of work up to a maximum of \$154.00 per month. Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.

- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.

- 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and if appropriate shall refer the person to apply for Transitional Assistance or Interim Assistance and federal SSI benefits.

- 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.

- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.162(c)(4).

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.182(i) (continued)

- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.
- 7) Earnfare clients may participate in a voluntary job search activity as resources permit. There are no sanctions for failure to comply. Earnfare clients may participate for two (2) months in a twelve (12) consecutive month period, either concurrently or following the six (6) month eligibility period for Earnfare. Clients are required to make a minimum of twenty (20) employer contacts each month while in the Earnfare job search activity.

(Source: Amended at 18 Ill. Reg. _____, effective January 21, 1994)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs2) Code Citation: 89 Ill. Adm. Code 1203) Section Number: Adopted Action:

120.318 Amendment
120.386 Amendment

4) Statutory Authority: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13) [305 ILCS 5/3-1, 4-1, 5-1, 6-1, 7-1 and 12-13]

5) Effective Date of Amendments: January 21, 19946) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: January 21, 19949) Notice of Proposal Published in Illinois Register:

August 13, 1993 (17 Ill. Reg. 13392)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No11) Differences between proposal and final version: No changes were made to the text of this rulemaking.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Amendments replace Emergency Amendments currently in effect? No14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.20	Amendment	December 31, 1993 (17 Ill. Reg. 22321)
120.30	Amendment	December 31, 1993 (17 Ill. Reg. 22321)
120.30	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.324	Repeal/New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.325	Repeal/New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.326	New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.327	New Section	December 17, 1993 (17 Ill. Reg. 21266)
120.345	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
120.382	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.388	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.389	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.390	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

15) Summary and Purpose of Amendments: These proposed amendments are in response to recommendations from the Office of the Auditor General. Language is added to the rule to place the burden of proof on the client regarding the intent of asset transfers made for less than fair market value, to provide provisions for multiple transfers of assets and to delete language regarding transfers in which the person did not consent to or assist in the transfer. The intent of this rulemaking is to deter illegal transfer of assets which are made to become eligible for public assistance. These proposed amendments allow for multiple transfers of assets to be considered as a single transfer. This rulemaking also intends to prevent the use of multiple transfers from shortening a period of ineligibility. Amendments regarding asset transfers are also being proposed to the Aid to the Aged, Blind or Disabled rules (89 Ill. Adm. Code 113).

The proposed amendments also specify that individuals residing in public institutions are ineligible for medical assistance and that individuals confined in any penal or correctional institution are ineligible for assistance.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna

Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62702

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program
SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.271 Income From Work/Study/Training Program (Repealed)
 120.272 Earned Income From Self-Employment (Repealed)
 120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Foster Care Program
 120.325 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earmarked Income
 120.346 Medicaid Qualifying Trusts

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Assessment of Assets
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
 120.390 Persons Who May Be Included in the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3-1, 5/4-1, 5/5-1, 5/6-1, 5/7-1 and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253,

effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13247, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. _____, effective January 21, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.318 Institutional Status

- a) Individuals residing in public institutions (see 42 CFR 435.1009) are ineligible for financial and medical assistance.
- b) Individuals between the ages of 22-64 who are patients in an Institution for Mental Diseases (see 42 CFR 435.1009) are ineligible for financial and medical assistance. These individuals continue to be ineligible for financial and medical assistance while temporarily discharged for the purpose of obtaining medical care. Individuals who are temporarily discharged remain patients of the institution as long as they are not given a complete or absolute discharge while they receive medical care. An individual on conditional release or convalescent leave from an Institution for Mental Diseases is not considered to be a patient in that institution. A conditional release or convalescent leave is one that provides treatment for the illness or condition for which the individual was institutionalized rather than for a medical condition.

- c) Individuals confined in or under the jurisdiction of any local, state, or federal, penal or correctional institution, or law enforcement authority are ineligible for assistance.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.318 (continued)

- d) Residents of a private psychiatric hospital certified for participation in the Medicare Program who are 65 years of age or older may be eligible for assistance. Those individuals residing in a private psychiatric hospital not certified to participate in the Medicare Program are not eligible for public assistance.
- e) Individuals under age 21 residing in a private psychiatric hospital having JCAH accreditation may be eligible for public assistance.
- f) A resident of a private institution who has a contract with the institution providing total needs throughout life is ineligible, as no needs remain to be met.
- g) Residents of private institutions (other than those who have purchased life care contracts) are ineligible for public assistance when they have purchased care and maintenance to provide for all their needs in the institution and the amount paid has not been wholly consumed for care.
- h) Individuals, living in a public or a private facility which has official policies and administrative procedures which are not in conformance or are in conflict with the Public Aid Code provision or Department rules governing eligibility for public assistance, are ineligible for public assistance.
- i) Any individual residing in a facility which is licensed by the Department of Public Health as a Community Living Facility for the mildly and moderately retarded may be eligible for MANG.

(Source: Amended at 18 Ill. Reg. _____, effective January 21, 1994)

Section 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989

- a) The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) The provisions for the transfer of property (i.e., assets) listed in subsections (d), (e), and (f) below apply to a resident's spouse when the resident applies for Medicaid on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.386(b) (continued)

spouse when the resident's application for Medicaid is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.

c) The provisions for the transfer of property (i.e., assets) listed in subsections (a), (e) and (f) below do not apply to eligibility determinations for individuals who reside in the community.

d) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

e) A transfer is allowable if:

1) the transfer occurred more than thirty (30) months from before the date of application or more than thirty (30) months before entry into the long term care facility;

2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;

3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

4) homestead property was transferred to:

A) a spouse;

B) the individual's child who is under age 21;

C) the individual's child who is blind or permanently and totally disabled;

D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility or;

E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.386(e)(4)(E) (continued)

years immediately prior to the date the individual entered the facility;

5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 89 Ill. Adm. Code 120.61) as determined by a fair hearing; or

B) The amount transferred under a court order to the community spouse;

6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;

7) the individual intended to transfer the assets for fair market value;

8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:

A) the resident is mentally unable to explain how the assets were transferred;

B) the denial of assistance would force the resident to move from the long term care facility; or

C) the individual would be prohibited from joining a spouse in

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.386(e)(8)(C) (continued)

a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;

- 9) ~~it is determined that the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;~~
- 10) the transfer by the resident was to the community spouse and was the result of a court order; ~~or~~
- 11) ~~the individual did not consent to or assist in the transfer (for example, a joint bank account in which monies are withdrawn without the permission of the individual);~~

f) Transfers of assets which do not meet the provisions of subsection (e) are considered as a single transfer of the total amount of assets with the period of ineligibility determined in accordance with subsection (g).

g) If the transfer(s) does not fall within the listing meet the provisions of subsection (e) above, the resident is ineligible beginning with the month of the first transfer in which such assets were transferred and until whichever occurs first:

- 1) the period of time number of months the total uncompensated amount of the transferred asset assets would meet the monthly cost of long term care (private rate) at the facility; or
- 2) thirty (30) months from the month of the first transfer.

(Source: Amended at 18 Ill. Reg. _____, effective January 21, 1994)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.10 Adopted Action: Amendment
510.20 Amendment
510.30 Amendment
510.40 Amendment
510.60 Amendment
510.120 Amendment
510.130 Amendment
510.150 Amendment
510.160 Amendment
510.170 Amendment
510.180 Amendment
510.230 Repeal
510.240 Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) Effective Date of Rule: **JAN 21 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: **JAN 21 1994**
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 15790, October 1, 1993.
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
- 11) Differences between proposal and final version: In Section 510.30(a)(3) the underline was removed from the text "for that purpose". In Section 510.130(b) the language "irrespective of its physical condition" was underlined. In the Authority Note, "/9(b)" was added after "5". A colon was replaced by a semi-colon in Section 510.60(e) line 3.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules: This rulemaking reorganizes Part 510. Unnecessary language was removed.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
10.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horses
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse
510.190	Claimed Horse Racing Eligibility
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting <u>(Repealed)</u>
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par 37-9(b)) (230 ILCS 5/9(b)).

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 1197, effective March 14, 1983; amended at 8 Ill. Reg. 1492, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. _____, effective _____, **JAN 21 1994**

Section 510.10 Definition

As used in Chapter 210-(Part 510), a "claimant" is a person or racing interest

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

meeting one of the three criteria for eligibility specified in Rule-C10-2 of Section 510.20+.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994.)

Section 510.20 Claiming Eligibility

In a claiming race any horse may be claimed for its entered price by:

- a licensed owner or the owner's authorized agent;
- a licensed racing interest or its authorized agent; or
- any person who has established eligibility to claim by filing an application for license as a horse owner and has been granted a claiming authorization, pursuant to Rule-C10-24-~~(11-111)-Adm-Code~~ Section 510.240+.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994.)

Section 510.30 Form and Deposit of Claim

- All claims shall be made in writing on a form provided by the Board. Claims shall be signed and sealed in an envelope having no identification mark except:

- the name of the track;
- the number of the race from which the claim is being made;
- the stamp of a timing device provided by the track for that purpose indicating a time no later than 10 minutes prior to the post time of the race in which the horse to be claimed is entered.
- The stewards or their designated representative shall open the claim box--~~search--for--open--and--examine--the--claim--envelopes~~ no sooner than 15 10 minutes prior to post time for each race. No information concerning such claims shall be divulged to anyone other than the racing secretary's staff and the horsemen's bookkeeper until the race has been run. If more than one claim is filed for the same horse, the successful claimant shall be determined by lot ~~under-the-supervision~~ of by the stewards or their designated representatives.
- Once a claim is deposited in the claim box, the claim claimant cannot ~~be-withdrawn~~ ~~withdraw~~ or ~~revoke~~ ~~by-a-claimant~~ the claim.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994.)

Section 510.40 Errors which Invalidate Claim

- A claim is invalid if:
 - the claimant named on the claim form does not meet one of the

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

three criteria for eligibility specified in Rule-C10-2-Section 510.20+; or

- the claim form is not deposited ~~15 10~~ minutes or more before post time, pursuant to Rule-C10-3(A)-~~(Section 510.30(a))~~; or
- the claimant does not have at least the amount of the claim on deposit or credited with the horsemen's bookkeeper; or
- the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form; or
- the claim form
 - does not specify the designated claiming price as printed in the program;
 - is not signed;
 - does not fully indicate the name of the party making the claim; or
 - is otherwise incorrectly completed; or
- the claim envelope ~~is-inaccurate~~ does not meet the specifications of Section 510.30(a).

- In determining amounts on deposit, considerations shall be given only to amounts on deposit in the sole name of the claimant. Amounts on deposit in accounts owned jointly or in the names of others shall not be considered in determining the adequacy of the claimant's deposit.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994.)

Section 510.60 Prohibited Action with Respect to Claim

No person or racing interest shall:

- claim more than one horse from any one race;
- claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;
- refuse to deliver the claimed horse to the successful claimant; ~~and~~ furthermore, the horse in question shall be disqualified until delivery is ~~made~~ effected;
- make any agreement with any other person or racing interest for the protection of each other's horses in any claiming race;
- remove any horse which has been entered in a claiming race from the race track where it has been entered to race; ~~or-fail-or-refuse-to-comply-with-any-rate-or-any-condition-of-the-meeting-for--the--purpose-of-avoiding-or-preventing-a-claim-for-such-horse;~~
- fail or refuse to comply with any rule or condition of the meeting for the purpose of avoiding or preventing a claim for such horse;
- offer, or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race;
- attempt to intimidate or prevent anyone from running a horse in any claiming race;
- claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law or father-in-law;
- claim horses owned or trained by their own spouse, child, sibling,

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

parent, mother-in-law or father-in-law.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.120 Protests of a Claim

~~Not later than the next day after the race was run~~ A protest of a claim must be submitted in writing to the stewards not later than the day after the race was run. The stewards who shall investigate the protest ~~matter as quickly as possible.~~

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.130 Title to a Claimed Horse

- Title to a claimed horse ~~which is claimed~~ shall be vested in the ~~owner~~. ~~At the time the field has been dispatched from the starting gate and the horse becomes a starter.~~
- Said claimant shall then become the owner of the horse irrespective of ~~whether the horse was injured or not~~ ~~or injured during the race or after it the race.~~

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.150 Delivery of a Claimed Horse

After the race, from which a claimed horse shall be delivered by the original owner to the claimant upon presentation of a written authorization from the ~~claimant's secretary's staff file.~~

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.160 Trainer Responsibility for Post Race Tests

A trainer, whose horse has been claimed and is designated for post-race testing, remains responsible for such the claimed horse until after collection of the blood and/or urine specimens at the detention barn where delivery shall be made to the successful claimant.

(Source: JAN 21 1994 at 18 Ill. Reg. _____, effective _____)

Section 510.170 Excused Claimed Horse

If, in claiming a race, a horse is excused by the stewards or is declared a

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

non-starter, any claim ~~or claim~~ for the horse ~~will be~~ is void. However, in harness racing such a horse, in its next start, must race in a claiming race for the same price or less, ~~unless it is subject to the provisions of 610-119~~ ~~for the same price or less.~~ ~~Adm-Code-Section-510-1997~~ This rule shall apply for a period of thirty days from the date of the race in which the horse was scratched or declared a non-starter.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.180 Stable Eliminated by Fire or Other Hazard

~~if a stable is eliminated~~ If all horses owned by a licensed stable are destroyed by fire or other hazard, such stable shall have claiming privileges under provisions of the claiming authorization as specified under ~~Rule 610-24~~ ~~Adm-Code-Section 510-1997.~~

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.230 Extension of Regular Meeting (Repealed)

~~When a charity meeting and a regular meeting are the same, the meeting shall be considered as the regular meeting.~~

(Source: Repealed at 18 Ill. Reg. _____, effective JAN 21 1994)

Section 510.240 Claiming Authorization

- The board or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:
 - meets all requirements for the issuance of an owner's license, except that the applicant need not own a horse ~~or have any previous experience in racing;~~ and
 - has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed; and,

- has at least the amount of the claim on deposit ~~or credited~~ with

- The claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or otherwise.

- The same fee charged for an owner's license shall be payable to the

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Board by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

d) An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension, or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

e) A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

Source: Amended at 18 Ill. Reg. _____, effective
JAN 21 1994

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Definitions

2) Code Citation: 11 Ill. Adm. Code 210

3) Section Number: 210.10 Adopted Action: New Section

4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

5) Effective Date of Rule: **JAN 21 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: **JAN 21 1994**

9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 19057, November 5, 1993

10) Has JCAR Issued a Statement of Objections to these rule(s)? No.

11) Differences between proposal and final version: The following definitions were deleted: Dash, In Harness, Handicapper and Untried Horse. The last seven words were deleted from the definition of Also Eligible. The word Commission was replaced with Board in the definition of Bleeder List. The third definition of Field was deleted. The definitions of Filly and Mare were amended to include harness difference (4 years of age). In the definition of Handicap, the word Handicapper was replaced with Racing Secretary. The phrase "or three" was changed to "or more" in the definition of Heat. In the definition of Organization Licensee, the phrase "or entity" was added. In the definition of Racing Day, the phrase "of 24 hours" was removed. The difference for the breed was removed from the definition of Scoring. In the definition of Winner, the word "both" was replaced by "those". The original definitions (first notice version) of Minus Pool, Nominator, Overnight Event, Outstanding Ticket, Post Time, and Winner were replaced by the current definitions (adoption notice).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes a comprehensive list of definitions for key horse racing terms.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 210
DEFINITIONS

Section
210.10 Definitions

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)) (230 ILCS 5/9(b)).

SOURCE: Adopted at 18 Ill. Reg. _____, effective
JAN 21 1994.

Section 210.10 Definitions

"Act" - The Illinois Horse Racing Act of 1975.

"Added Money" - The money added by a racing association to the various fees paid by the owners of the horses nominated to, entered in and/or starting in a race.

"Added Money Early Closing Event" - A harness race closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

"Age" - The age of a horse shall be reckoned from the first day of January of the year of foaling except: for foals born in November and December of any year, age shall be reckoned from January 1 of the succeeding year.

"Allowance" - Weights and other conditions of a race.

"Allowance Race" - A race, other than a claiming race, for which certain conditions of eligibility are established.

"Also Eligible" - A horse which has been entered in a race but is not permitted to start unless the number of entrants is reduced by scratches.

"Appeal" - A request for the Board to investigate, consider or review any decisions or rulings of the officials of a meeting or the decision of the Board itself.

"Applicant" - A person who applies for an organization or occupation

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

license in a specified category or categories.

"Approximate odds" - The probable ratio of the pay-out price to a \$1 wager in the win pool in a pari-mutuel system.

"Arrears" - All monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Association" - A person or business entity holding a license from the Board to conduct racing with pari-mutuel wagering.

"Association Grounds" - All areas used by a racing association in conducting a race meeting.

"Authorized Agent" - A person appointed by an owner or trainer in accordance with Board Rules, the appointment to be designated in a document signed by the owner or trainer, approved by the stewards, executed annually and filed with the Illinois Racing Board.

"Battery" - Any battery, buzzer, electrical, or mechanical device or other appliance, except for the ordinary whip, which can be used to stimulate or depress a horse or affect its speed in a race or workout.

"Beneficial Interest" - Profit, benefit or advantage resulting from a contract or an ownership interest in an estate as distinct from legal title or ownership, i.e., an interest as a devisee, legatee or donee solely for his own use or benefit and not as holder of title for use and benefit of another.

"Betting interest" - Horse, entry or field.

"Bleeder" - A horse that is examined by an official veterinarian following a race or workout and sheds blood from one or both nostrils or upon endoscopic examination shows observable amounts of free blood in the respiratory tract.

"Bleeder List" - A tabulation of all bleeders to be maintained by the Board.

"Board" - Illinois Racing Board.

"Bookmaker" - A person who accepts wagers on racers other than through a pari-mutuel machine.

"Breakage" - The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10¢.

"Breeder" - (Harness) The owner of a horse's dam at the time of breeding; (Thoroughbred) The owner of the horse's dam at the time of

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

foaling.

"Carryover" - The total amount of non-distributed pool money in a pool which is retained and added to a corresponding pool in accordance with these rules.

"Civil Penalty" - A penalty imposed on a licensee for a violation of Board rules or the Act.

"Claim" - The act of an eligible owner requesting the stewards to order the sale of a horse in a claiming race to him/her for a predetermined amount; To request a weight allowance; To file a claim in a claiming race; To acquire a horse by claiming.

"Claim Form" - The form upon which an eligible owner agrees to purchase a horse from a claiming race.

"Claiming Price" - The predetermined price at which a horse in a claiming race must be sold if it is claimed.

"Claiming Race" - A race in which any horse starting may be purchased for a predetermined amount in conformance with the Rules and Regulations.

"Colt" - (Harness) An uncastrated horse under four years of age; (Thoroughbred) An uncastrated horse under five years of age.

"Condition Book" - A booklet published by a thoroughbred racing association which sets out the conditions, purses and descriptions of future races. (Synonym: Condition Sheet)

"Conditioned Race" - An overnight event to which entry eligibility is governed by previously specified qualifications.

"Condition Sheet" - A listing, written by the Racing Secretary, with the conditions a horse must meet in order to enter a particular race.

"Conditions" - Qualifications that determine a horse's eligibility to be entered in a particular race.

"Contest" - A competitive racing event on which pari-mutuel wagering is conducted.

"Contestant" - An individual participant in a contest.

"Coupled Entry" - Two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (Also see "Entry")

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Dam" - The female parent.

"Day" - A 24 hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

"Dead Heat" - A race in which two or more horses cross the finish line in a tie.

"Declaration" - (Harness) The process of entering a horse in a particular race. (Thoroughbred) The withdrawal of a horse entered for a race after the closing of entries. (Synonym: scratch)

"Disqualification" - The act of barring a person from acting as an official or from starting or driving a horse in a race. In the case of a horse, the act of barring it from starting or altering its finishing position for betting and purse purposes.

"Disqualify" - To place a horse in a lower position, in the official order of finish in a race, than it actually finished due to an infraction of the rules.

"Early Closing Race" - A harness race to which entries close at least six weeks preceding the race.

"Eligible to Race" - Refers to a horse whose trainer: has been granted stall space on association grounds; or has been approved to stable elsewhere and to ship in to race at a specific race meeting.

"Entry" - A horse that has been entered for a race; Two or more horses, owned by the same stable, or by husband and wife, or trained by the same trainer, that are coupled for the purpose of pari-mutuel betting as one betting interest.

"Equipment" - The items worn by or attached to a horse in a race.

"Exclusion" - The act of barring from all or part of Association grounds or the grounds under the jurisdiction of the Illinois Racing Board. Unless specified in the ruling, an exclusion is unconditional and encompasses all of the association grounds.

"Exhibition Race" - A race on which no wagering is permitted.

"Expired Ticket" - An outstanding ticket that was not presented for redemption within the required time period for which it was issued.

"Extended Pari-Mutuel Meeting" - A meeting at which no agricultural fair is in progress, of more than 10 days annually, with pari-mutuel wagering.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Field" - All the horses that compete in a race; A number of horses grouped together as an entry for the purpose of pari-mutuel betting.

"Filly" - (Thoroughbred) A female horse under five years of age. (Harness) A female horse under four years of age.

"Financial Interest" - An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

"Finish Line" - A real or imaginary line, perpendicular to the race course, that marks the end of a race. (Synonyms: finish wire, wire)

"Flat Race" - A race in which horses mounted by jockeys run over a course on which no obstacles are placed.

"Foul" - An improper act committed by a jockey or a horse in the running of a race.

"Foul Claim" or "Claim of Foul" - An objection, alleging a foul, made to the stewards or their designee by a driver, jockey, owner or trainer of a horse involved in a race.

"Forfeit" - Money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Board.

"Futurity" - (Harness) A stakes race in which the dam of the competing animal is nominated either when in foal or during the year of foaling. (Thoroughbred) A stakes race, for horses not older than three years of age, in which nominations are made before the horse becomes a three-year old.

"Gelding" - A castrated horse.

"Gender and Number" - Pronouns of one gender include the other; singular words include the plural and vice versa; unless the context clearly indicates otherwise.

"Gimmick Race" - A race on which a form of multiple wagering is conducted, such as Daily Double, Quinella, Exacta, Perfecta, Trifecta, etc.

"Guaranteed Stakes" - A stakes race with a guarantee by the party offering it that the sum paid shall not be less than the amount named (see Stakes Race).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Guest Association" - An association that offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same or another state.

"Handicap" - (Harness) A race in which starting positions are assigned on the basis of past performance so as to equalize the chance of all horses entered; (Thoroughbred) A race in which the weights carried by the entered horses are assigned by the Handicapper for the purpose of equalizing their respective chances of winning.

"Handicapper" - A person who assigns weights (thoroughbred) or post positions (harness) to horses nominated to a handicap race.

"Handle" - The aggregate dollar amount of all pari-mutuel pools, excluding refundable wagers.

"Heat" - One of two or more installments of a race.

"Horse" - An all encompassing term for any equine of any age, including colt, filly, gelding, ridgeling, mare or stallion; An uncastrated male horse five years of age or older.

"Host Association" - The association conducting a licensed pari-mutuel meeting from which authorized contests or entire programs are simulcast.

"Ineligible Horse" - A horse not qualified to participate in a specific race under the rules or conditions of that race.

"Ineligible Person" - A person not qualified to participate in specific racing activity under the rules.

"Illinois-Bred Colt or Filly" - A horse sired by a stallion owned by an Illinois resident and standing in the State of Illinois for the season in which the mare was bred.

"Illinois Foaled" - A horse dropped in Illinois.

"Illinois Owned" - A horse owned by a resident of Illinois at the time the horse is declared in to start and at the time of the race.

"Illinois Racing Board" - Whenever the word "Board" is used, it means the "Illinois Racing Board".

"Interference" - Any act, which by design or otherwise, and regardless of actual contact, hampers or obstructs any competing horse or horses.

"Inquiry" - An investigation or examination, conducted by the Board or Stewards, into a possible rule violation.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Jockey" - A rider of a thoroughbred race horse.

"Late Closing Race" - A race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

"Length of Race" - Races shall be run at the stated distance in units not shorter than a sixteenth of a mile.

"Lessee" - A licensed owner whose interest in a horse is by lease agreement.

"Licensee" - A person or legal entity that has been issued an occupation license to participate in racing under the jurisdiction of the Board. (Synonym: Occupation licensee)

"Maiden" - (Harness) A horse that has never won a heat or race, at the gait it is entered to start, for that a purse was offered; (Thoroughbred) A horse that has never earned a winner's purse in a flat race at a recognized meeting in any country.

"Maiden Race" - A contest restricted to nonwinners.

"Mare" - (Harness) A female horse four years of age or older; (Thoroughbred) A female horse five years of age or older.

"Match Race" - A race between two horses under conditions agreed to by their owners.

"Matinee Race" - A race with no entrance fee and where the prizes, if any, are other than money.

"Meeting" - The specified period and inclusive dates each year during which an association is authorized to conduct racing by approval of the Board.

"Minor" - Any person under the age of seventeen.

"Minus Pool" - A minus pool occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.

"Month" - A calendar month.

"Mutuel Field" - Two or more horses in a contest that are treated as a single betting interest for pari-mutuel wagering purposes when the total number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Mutuel Manager" - The racing official designated by the organization licensee to supervise its pari-mutuel department.

"Net Pool" - The amount of gross ticket sales less refundable wagers and statutory commissions.

"Nominator" - The person or entity in whose name a horse is nominated for a race or series of races.

"Nominee" - A horse nominated to a stakes and/or handicap race.

"Nomination" - The naming of a horse to a stakes and/or handicap race. In a futurity, the naming of a foal in utero to a certain race or series of races, eligibility to which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees and/or starting fees.

"Objection" - A claim of foul lodged with the stewards or their designee by a jockey of a horse in a race immediately after a race and before the race is made official, or a claim of foul lodged with the patrol judge in a starting car, by a driver of a horse in a race, immediately after the race and before the driver dismounts.

"Odds Board" - A large sign-board structure, located in the infield of a race track, upon which the approximate odds are prominently displayed. (Synonym: Tote Board)

"Off Bell" - The bell, operated by the stewards, that signals the locking of ticket-issuing machines; The bell that rings as a race starts.

"Official Order of Finish" - The order of finish of the horses in a contest as declared official by the stewards.

"Official Starter" - The official responsible for dispatching horses to begin a race.

"Official Time" - The elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Off Time" - The moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

"Organization Licensee" - Any person or entity receiving an organization license from the Board to conduct a race meeting or meetings.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Outstanding Ticket" - An uncashed winning or refundable pari-mutuel ticket that was not redeemed during the performance for which it was issued and that must be cashed within the statutory time limit.

"Overnight Event" - A contest for which entries close at a time set by the racing secretary. (Synonym: Overnight Race, Overnight)

"Owner" - A person or stable that has property rights in a horse or horses, by ownership or lease of a horse or horses.

"Paddock" - The building or enclosure where horses are saddled for a race. A railed enclosure in which the horses are paraded for public view immediately before the post parade.

"Pari-Mutuel System" - The manual, electro-mechanical, or computerized system and all software (including the totalizer, account betting system and off-site betting equipment) that is used to record wagers and transmit wagering data.

"Patron" - A member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

"Payoff" - The amount of money payable on winning wagers.

"Person" - Any individual, partnership, corporation or other association or entity.

"Pool" - Total amount of money wagered upon all horses in a race to finish in a specific position or positions.

"Post" - The place on a race course from which the horses start in a race.

"Post Position" - The pre-assigned positions from which the horses leave the starting gate.

"Post Time" - The scheduled starting time of a contest.

"Prima Facie Evidence" - Evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

"Profit" - The net pool after deduction of the amount wagered on the winners.

"Profit Split" - A division of profit among separate winning betting interest not winning betting and lost bets resulting in two or more payoff prices.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Program" - The published listing of all contests and contestants for a specific day's racing. The races of a particular day, considered together.

"Protest" - An objection lodged with the stewards of any infringement of the rules of racing.

"Purse" - The amount of money won by the owner of any competitor in a race.

"Purse Race" - A race for money to which the owners of the competing horses do not contribute.

"Qualifying Race" - A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.

"Quarter Horse" - A horse registered with the American Quarter Horse Association of Amarillo, Texas.

"Race" - A contest between horses at a licensed meeting for purse, stakes, prize or reward.

"Race Course" - The actual racing surface.

"Race on the Flat" - (see Flat Race)

"Race Track Enclosure" - Association grounds, owned, leased or controlled by the racing association, whether or not enclosed by a fence and including, but not limited to, track parking lots.

"Race Track Operator" - Any person, association or corporation licensed by the Illinois Racing Board to conduct horse racing within Illinois for any stake, purse or reward.

"Race Meeting" - The period of time, whether for consecutive or nonconsecutive dates, for which an organization license has been issued.

"Racing Association" - Any person, partnership, corporation, or other entity licensed by the Board to conduct a race meeting. (Synonym: organization licensee)

"Racing Day" - Any period beginning at noon included in the period of a race meeting that ends at midnight, unless otherwise provided by statute.

"Racing Interest" - Any individual owner, partnership of owners, or corporation that participates as an owning entity or nominator of a

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

race horse.

"Racing Jurisdiction" - A governmental regulatory body that, by statute or ordinance, regulates pari-mutuel racing.

"Recognized Meeting" - Any race meeting with regularly scheduled races licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

"Record" - The fastest time made by a horse in a race that he won or in a performance against time.

"Restricted Area" - An area on the grounds of a racetrack where admission can be obtained only upon presentation of valid credentials. Such areas shall include the stable areas, detention barn, jockey or driver room, paddock, race course and pari-mutuel department.

"Result" - That part of the official order of finish used to determine the pari-mutuel payoff pools for each individual contest.

"Rules" - Regulations promulgated by the Board pursuant to the Horse Racing Act.

"Ruling" - A written decision, determination, and/or order of the stewards.

"Scoring" - Preliminary warm-ups by horses.

"Scratch" - The withdrawal of a horse from a race after the closing of entries.

"Scratch Time" - The time designated by the racing association as a deadline for an owner or trainer to file a request for a scratch.

"Simulcast" - The live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

"Single Price Pool" - An equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.

"Stable Name" - The assumed name or nom de course under which a person or stable races horses.

"Stakes" - All the fees paid by subscribers to a stakes race, which may include the nomination, eligibility, supplemental, entry or starting fees or any fee that is required by the conditions of a race.

"Stakes Race" - A race that is closed to nominees more than 72 hours

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

before it is run with a purse that includes all stakes payments in addition to the money added by the racing association.

"Starter" - The racing official whose duty it is to get the horses away to a fair start in a race. Any horse that participates, i.e., starts, in a race.

"Starter Race" - An overnight event, under allowance or handicap conditions, restricted to horses who have previously started for the designated claiming price or less, as stated in the conditions of the race.

"State Director of Mutuels" - The individual representing the Board in the supervision and verification of the pari-mutuel wagering pool totals for each racing day.

"Steeplechase Race" - A contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

"Steward" - Duly appointed top official at a race track with the power to fine, suspend, and rule off persons licensed in racing.

"Stewards' Stand" - The room, generally located on the roof of a racetrack grandstand or clubhouse, from which the state stewards and association stewards observe the running of races.

"Subscription" - The nomination or entry of a horse in a stakes race.

"Sulky" - A dual-shaft, dual wheel racing vehicle.

"Suspension" - A penalty in which the rights and privileges of a licensee are withdrawn for a specified period of time. An occupation licensee whose license is suspended is prohibited from engaging in any licensed occupation and is excluded from all grounds under the jurisdiction of the Board, unless otherwise specified in the ruling or order (example: suspended from riding or driving).

"Sweepstakes" - A race where the owners of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added, and nominations to which close 72 hours or more before starting.

"Takeout" - The total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

"Totalizator" - An electronic device that automatically registers the wagers made on each horse or pool and prints or issues a ticket representing each such wager or wagers.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

"Trot" - Someone who furnishes information concerning selection of a horse for wagering purposes, or predicts the outcome of a race for wagering purposes, in exchange for a consideration.

"Trial Race" - Part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

"Validation" - The act or process by which the Board's licensing office at a race meeting stamps or otherwise marks the licensee's identification card, thereby allowing the licensee access to restricted areas during a specific race meeting.

"Vendor" - A seller of feed, medication, stable supplies, or other merchandise in restricted areas.

"Walkover" - An event in which all horses but one in a race are withdrawn, leaving that horse to walk the prescribed course at the distance of the race. A walkover may be between two or more horses if they belong to a single interest.

"Week" - A calendar week.

"Weigh-In" - The presentation of a jockey to the Clerk of Scales for weighing after a race.

"Weight-Out" - The presentation of a jockey to the Clerk of Scales for weighing prior to a race.

"Weight for Age" - A race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Winner" - The horse whose nose reaches the finish line first. If there is a dead heat for first, those horses shall be considered winners.

"Wire" - See Finish line.

"Year" - A calendar year.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER.

- 1) The Heading of the Part: Definitions
- 2) Code Citation: 11 Ill. Adm. Code 401
- 3) Section Number: 401.10 Adopted Action: Repeal
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) Effective Date of Rule: **JAN 21 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: **JAN 21 1994**
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 19030, November 5, 1993.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals definitions. A comprehensive listing of definitions can be found in Part 210.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Definitions
- 2) Code Citation: 11 Ill. Adm. Code 1304
- 3) Section Number: 1304.10 Adopted Action: Repeal
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) Effective Date of Rule: **JAN 21 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: **JAN 21 1994**
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 19033, November 5, 1993.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals definitions. A comprehensive listing of definitions can be found in Part 210.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Definitions and Interpretations
- 2) Code Citation: 11 Ill. Adm. Code 1401
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
1401.10	Repeal
1401.20	Repeal
1401.25	Repeal
1401.30	Repeal
1401.40	Repeal
1401.50	Repeal
1401.60	Repeal
1401.64	Repeal
1401.67	Repeal
1401.70	Repeal
1401.80	Repeal
1401.90	Repeal
1401.100	Repeal
1401.110	Repeal
1401.120	Repeal
1401.130	Repeal
1401.140	Repeal
1401.150	Repeal
1401.160	Repeal
1401.170	Repeal
1401.180	Repeal
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

- 5) Effective Date of Rule: **JAN 21 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: **JAN 21 1994**
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 19040, November 5, 1993.
- 10) Has JCAR Issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Definitions and Interpretations
- 2) Code Citation: 11 Ill. Adm. Code 501
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
501.10	Repeal
501.20	Repeal
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) Effective Date of Rule: **JAN 21 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: **JAN 21 1994**
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 19040, November 5, 1993.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals definitions. A comprehensive listing of definitions can be found in Part 210.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Jockeys, Apprentice Jockeys, Agents and Valets

2) Code Citation: 11 Ill. Adm. Code 1411

3) Section Number: 1411.240 Adopted Action: Amendment

4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

5) Effective Date of Rule: **JAN 21 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: **JAN 21 1994**

9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 19892, November 19, 1993

10) Has JCAR issued a Statement of Objections to this rule(s)? No.

11) Differences between proposal and final version: The sentence "The criteria for approving helmets shall be based on the construction, durability, sturdiness and safety of the helmet." was added. The example listed in the parentheses was removed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes the requirement of safety vests for all jockeys.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking repeals definitions. A comprehensive listing of definitions can be found in Part 210.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1411

JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section	
1411.05	Colors Worn by Riders
1411.10	Jockey Fees (Repealed)
1411.20	Paying Fines
1411.30	Jockey Ownership of Horse
1411.40	Under Suspension
1411.50	Betting By Jockey
1411.60	Record of Jockey Betting
1411.65	Interrogation by Stewards
1411.70	Racing Against Employer's Starter
1411.72	Spouses Riding Against Each Other
1411.75	Owner or Trainer As Spouse
1411.78	Racing Against Agent's Horse
1411.80	Priority of Retainers
1411.90	Conflicting Claims on Jockeys
1411.100	Whips, Length and Kind
1411.110	Illegal Whipping
1411.120	Leaving Operating Track
1411.130	Jockey Rules Apply to Apprentices
1411.140	Apprentice Rule
1411.150	Change of Agent
1411.160	Rough or Careless Riding
1411.170	Yearly Examination
1411.180	Examination Because of Illness
1411.190	Jockey's Valet
1411.195	Valet's Fees (Repealed)
1411.200	Record of Jockey Engagements by Agent
1411.210	Falsifying Engagement Records
1411.220	Agent Barred from Paddock and Track
1411.230	Engagements Made Through Agent
1411.240	Safety Helmets Equipment
1411.250	Designated Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)) [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 12426, effective July

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. _____, effective JAN 21 1994.

Section 1411.240 Safety Helmets Equipment

- a) All jockeys and stable employees when exercising horses shall wear a safety helmet ~~of a type~~ approved ~~in writing~~ by the stewards. The criteria for approving helmets shall be based on the construction, durability, sturdiness, and safety of the helmet. This rule shall be enforced by all trainers. No change shall be made in any helmet without the ~~written~~ approval of the stewards.
- b) No jockey or apprentice jockey shall be permitted to ride in any race unless he or she wears a safety vest with a shock absorption protection rating of at least five (5), as certified by the British Equestrian Trade Association. A safety vest shall weigh no more than two pounds and shall not be included in a jockey's or apprentice jockey's weight when weighing out to race.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 509

MEDICATION

Section	Purpose
509.10	Definitions
509.30	Racing Soundness Exam
509.40	Foreign Substance Banned
509.50	Twenty-Four Hour Ban
509.60	Unlawful Administration
509.70	Knowing Entry of Medicated Horse Prohibited
509.75	Pharmaceutical Aids Banned
509.80	Additions to Permitted List
509.90	Permitted Use of Foreign Substances: Threshold Levels
509.95	Eurosemide
509.100	Possession of Needles and Injectables Prohibited
509.110	Prescription Items - Animal Use
509.120	Possession of Drugs and Chemicals
509.130	Human Use of Substances and Hypodermic Syringes or Needles (Repealed)
509.140	Detention Barn
509.150	Test Samples
509.160	Referee Samples
509.170	Laboratory Reports and Findings
509.175	Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing (Repealed)
509.180	Distribution of Purses
509.190	Procedures, Purses, Retention of Samples
509.195	Stewards' Action on Laboratory Reports Under Pre-Race Testing (Repealed)
509.200	Trainer Responsibility
509.210	Prima Facie Evidence
509.220	Bleeders
509.230	Post Mortems
509.240	Penalties - Violation (Repealed)
509.250	Penalties - Failure to Guard Cases (Repealed)
509.260	Penalties - Violation of Excessive Use of Phenylbutazone (Repealed)
509.265	Penalties - Violations of Pharmaceutical Aids (Repealed)
509.270	Other Penalties
509.280	Veterinarian's Records
509.290	Offenses Occurring Prior to the Effective Date of the Rules

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 5].

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 509
- 3) Section Number: 509.200 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

5) Effective Date of Rule: **JAN 21 1994**

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: **JAN 21 1994**
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 17858, October 1, 1993
- 10) Has JCAR Issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: The amendment to Section 509.170 was added. The year was deleted from all ILCS cites.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace emergency amendments currently in effect? No.

- 14) Are there any other proposed amendments pending in this Part? No

- 15) Summary and purpose of rules: The amendment to Section 509.200 outlines penalties for violations of that Section.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 13869, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 16191, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 7002, effective May 7, 1984; amended at 11 Ill. Reg. 14424, effective August 14, 1987; amended at 11 Ill. Reg. 15492, effective September 3, 1987; amended at 14 Ill. Reg. 8186, effective May 15, 1990; amended at 14 Ill. Reg. 20045, effective December 4, 1990; amended at 15 Ill. Reg. 11989, effective August 12, 1991; amended at 17 Ill. Reg. 3649, effective March 4, 1993; amended at 18 Ill. Reg. _____, effective JAN 21 1994.

Section 509.200 Trainer Responsibility

- a) Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of these rules.
- b) Every trainer has the duty to be familiar with the medication rules of the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and which are administered by such trainer's veterinarian.
- c) Every trainer has the duty to have each horse trained by him in its assigned security stall in accordance with 11 Ill. Adm. Code 436.
- d) Penalties for violation of this Section shall be based on the criteria established in Section 509.60.

(Source: Amended at 18 Ill. Reg. _____, effective JAN 21 1994)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Quarter Horse Racing
- 2) Code Citation: 11 Ill. Adm. Code 1440
- 3) Section Number: 1440.10 Adopted Action: New Section
1440.20 New Section
1440.30 New Section
1440.40 New Section
1440.50 New Section
1440.60 New Section
1440.70 New Section
1440.80 New Section
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) Effective Date of Rule: JAN 21 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: JAN 21 1994
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 15799, October 1, 1993.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals definitions. A comprehensive listing of definitions can be found in Part 210.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER 1: ILLINOIS RACING BOARD
 SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING
 (THOROUGHBRED)

PART 1440
 QUARTER HORSE RACING

Section 9

1440.10 Rules and Regulations

1440.20 Designation of Officials

1440.30 Whipping

1440.40 Schooling

1440.50 Apprentices, Special Allowances and Weights

1440.60 Registration Certificate

1440.70 Photo-Finish Camera

1440.80 Starting Gate

AUTHORITY: Authorized by and implementing Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Emergency rule adopted at 17 Ill. Reg. 14181, effective August 18, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. _____, effective _____.

JAN 21 1994

Section 1440.10 Rules and Regulations

The rules and regulations governing thoroughbred racing shall also govern quarter horse racing, except for the following additional rules.

Section 1440.20 Designation of Officials

In quarter horse racing, patrol judges and placing judges shall not be mandatory. At the Illinois Racing Board's discretion, the stewards may, in addition to their regular duties, serve in these positions.

Section 1440.30 Whipping

No whip shall be carried on any two-year-old until he has had two workouts under the supervision of the stewards. Thereafter, the decision as to when a horse is running true enough to permit the use of a whip shall be at the discretion of the stewards. No whip shall be carried on any horse in any race when making a first start unless its use has been approved by the stewards.

Section 1440.40 Schooling

Prior to their first start, all two-year-olds must be approved by the starter for their conduct in and breaking out of the gate.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

Section 1440.50 Apprentices, Special Allowances and Weights

An apprentice jockey may ride in a race in which quarter horses are eligible to start, but may not claim apprentice allowance in such races and the riding of the winner of such a race shall not be considered in computing the expiration of his right to claim apprentice allowances in races restricted to thoroughbreds. No sex allowances or scales of weight-for-age shall be used in quarter horse racing.

Section 1440.60 Registration Certificate

No horse shall be permitted to start in a race until the Registration Certificate has been filed with the Racing Secretary and the horse shall be fully identified by a representative of the Board; likewise, no leased horse shall be permitted to start in a race until the Registration Certificate and copy of the Lease Authorization have been filed with the Racing Secretary and Board Stewards and the horse shall be identified by a representative of the Board.

Section 1440.70 Photo-Finish Camera

All tracks conducting quarter horse meets must be equipped with a photo finish timing camera which has electronic circuits and a quartz crystal timing base and must be capable of operating either AC or DC without loss of accuracy. Every camera must be calibrated and accurate to a minimum of 1/100th of a second.

Section 1440.80 Starting Gate

All races must be started from a closed starting gate, set exactly on the starting line. All start distances must be permanently marked near both the inside and outside rails. The starting gate must be equipped with timing switches which shall be activated from the time the starting gate is opened.

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 180
UNIFORM COMMERCIAL CODE

Section
180.10
180.11
180.12
180.13
180.14

Definitions
Business Hours and Location
Sale of Information
Fees
Forms and Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code (810 ILCS 5/Art. 9).

Source: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. _____, effective February 1, 1994.

Section 180.10 Definitions

"Department" shall mean the Department of Business Services of the Office of the Secretary of State.

"Director" shall mean the Director of the Department.

"Secretary" shall mean the Secretary of State of Illinois.

"UCC" shall mean Article 9 of the Uniform Commercial Code (Ill. Rev. Stat., 1987, ch. 26, pars. 3-141 et seq. 810 ILCS 5/Art. 9).

"UCC Division" shall mean that unit of the Department which records, maintains, supplies copies, and otherwise administers the UCC.

(Source: Amended at 18 Ill. Reg. _____, effective February 1, 1994)

Section 180.12 Sale of Information

a) Computer Records

1) The Uniform Commercial Code master file contained in the computer records of the Secretary of State, Department of Business

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3) Section numbers: Adopted Action:
180.10 Amendment
180.12 Amendment
- 4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code (810 ILCS 5/Art.9)
- 5) Effective Date of Amendment: February 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office:
- 9) Notice of Proposal Published in Illinois Register:
17 Ill. Reg. 18793, October 29, 1993
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
1. Corrected statute cites.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: To update the statutes referenced in this rulemaking and in Section 180.12 changed the fee to reflect the change made in the 1989 amendment to Section 9-407.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel
298 Howlett Building
Springfield, Illinois 62716
217/785-3094

The full text of the Adopted Amendment begins on the next page:

ILLINOIS REGISTER

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Program Content and Guidelines for Division of Specialized Care for Children.
- 2) Code Citation: 89 Ill. Adm. Code 1200
- 3) Section Numbers:
 1200.30 Amendments
 1200.50 Amendments
 1200.70 Amendments
 1200.Appendix A Amendments
- 4) Statutory Authority: Implementing Section 1 of "AN ACT enabling the University of Illinois to qualify for funds and aid in relation to the administration of the Division of Specialized Care for Children" (Ill. Rev. Stat. 1991, ch. 144, par. 67.1) [110 ILCS 345/1] and authorized by Section 1 of "AN ACT to provide for the organization and maintenance of the University of Illinois" (Ill. Rev. Stat. 1991, ch. 144, par. 22) [110 ILCS 305/1].

Effective Date of Amendments: **JAN 24 1994**

- 5) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 1, 1993
- 9) Notice of Proposal Published in Illinois Register:
 May 28, 1993 17 Ill. Reg. 7780
- 10) Has JCAR issued a Statement of Objections to this amendment? Yes
 - A) Statement of Objection:
 September 3, 1993 17 Ill. Reg. 14188
 - B) Agency Response:
 December 3, 1993 17 Ill. Reg. 21126
 - C) Date Agency Response Submitted for Approval to JCAR:
 November 5, 1993

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Services, which consists of the name of the secured party, the name of the debtor, the address of both, the description code of the collateral, type of transaction and number of transactions, and other pertinent information required by Article 9 of the UCC. The file shall be purchased only as a whole, for which the fee is \$2,500.00.

- 2) Weekly update computer tapes shall be sold to any subscriber at the rate of \$200.00 per week and must provide magnetic tapes, pick-up and delivery service and name/phone number of contact person. All requests must be in writing submitted to the Director.
- 3) Any purchaser of transmitted computer data shall sign a contract setting forth the terms and conditions of the sale, including the above described fees. Purchaser shall supply computer tapes of such quality to be compatible with the computer equipment used by the Department, as specified by the Data Processing Department, Office of the Secretary of State.
- 4) The fees shall be paid prior to the transfer of the information from the Secretary of State's Office to the purchaser, and shall not be refundable once the order is accepted by the Department. Acceptance shall be evidenced by the Department's signing of the contract.

b) Non Computer Records

- 1) The daily list of UCC filings either in paper form, monthly microfilm rolls, or microfiche version of the filings, is available for purchase for a fee of \$250.00 per month. Purchases shall only be made on a twelve month subscription basis. A subscription can be ordered by written request submitted to the Director, and shall include the first month's fee.

- 2) The lists stated herein are not available in any other format.

c) Document Copies

- 1) Copies of documents on file with the UCC Division shall be requested only in writing, submitted by mail or in person to the UCC Division office.
- 2) The fee for any copy shall be 50--cents \$1.00 per page. (Section 9-407 of the UCC).

(Source: Amended at 18 Ill. Reg. _____, effective February 1, 1994)

ILLINOIS REGISTER

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES

CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 1200

PROGRAM CONTENT AND GUIDELINES FOR DIVISION
OF SPECIALIZED CARE FOR CHILDREN

Section	Purpose and Description
1200.10	Definitions
1200.20	Eligibility: General
1200.30	Medical Eligibility
1200.40	Financial Eligibility
1200.50	Appeal Process
1200.60	Payment for Services
1200.70	Availability of Services
1200.80	Rates of Payment
1200.90	Standards for Health Care Facilities
1200.100	Standards for Health Care Facilities
1200.120	Records
1200.130	Reports
APPENDIX A	Income Scale
APPENDIX B	Payment Scale

AUTHORITY: Implemented Section 1 of the Special Act, State of Illinois, Act 13 Ill. Rev. Stat. 1991, ch. 144, par. 6-10, effective February 10, 1987; amended at 13 Ill. Rev. Stat. 1991, ch. 144, par. 6-10, effective March 22, 1990; amended at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

SOURCE: Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989; amended at 14 Ill. Reg. 5139, effective March 22, 1990; amended at 17 Ill. Reg. 1137, effective March 22, 1993; emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

JAN 24 1994

Section 1200.30 Eligibility: General

a) Program Purpose

The purpose of the Illinois Division of Specialized Care for Children is to provide diagnostic and treatment services for children who are disabled as a result of congenital and/or acquired states of mind or condition which may lead to disability. The objective is to provide a program of comprehensive evaluation, medical care and related rehabilitative services appropriate to their various needs and to financially support such care to the extent that their Legally Responsible Adults (LRAs) require such financial assistance as determined by the Financial Eligibility Criteria (Section 1200.50 of this Part). Children who are eligible for Programmatic Assistance

ILLINOIS REGISTER

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

11) Difference between proposal and final version:

None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Recommendations were not adopted, therefore no response from this agency.

13) Will this amendment replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and purpose of Amendments:

Change in age requirement from 21 years of age to 18 years of age for treatment services; an adjustment in the Income Scale to reflect 58% of gross median income instead of the current 65%; deletion of Illinois Comprehensive Health Insurance Program (CHIP) from listing of third party payers deeming DSCC as the payer of last resort; and a change that allows the Director to establish maximum dollar amounts for payment of authorized services per fiscal year including physician services.

16) Information and questions regarding this adopted amendment shall be directed to:

Robert F. Biehl, M.D., Director
Division of Specialized Care for Children
2815 West Washington, Suite 300
P.O. Box 19481
Springfield, IL 62794-9481

Telephone: (217) 793-2340

The full text of the Adopted Amendments begins on the next page.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

only will be served without regard to a financial means test. Due to financial limitations, DSCC will only provide assistance to children with certain categories of disabling conditions as defined in Section 1200.40 of this Part.

c) Eligibility Criteria for Diagnostic Services

1) Initial diagnostic services are provided without regard to ability to pay to the extent medically necessary applying usual and customary medical standards to determine whether the child has one of the conditions enumerated in Section 1200.40, Medically Eligible Conditions. Whenever eligibility or ineligibility is established based upon an interview with the child or the LRA, which occurs when a diagnosis has already been established, DSCC shall not be required to provide further initial medical diagnostic services.

2) Children may be but need not be referred for said services by an individual or agency.

c) Eligibility Criteria for Other DSCC Services

1) Programmatic Assistance

To be eligible for Programmatic Assistance a child must meet the following requirements:

A) Be under 21 years of age; ~~except that--DSCC--shall--provide services--beyond--the--child's--21st--birthday--when--necessary--to complete--a--treatment--plan--developed--before--that--time--if cessation--of--treatment--would--cause--an--immediate--threat--to--or damage--to--the--child's--life--or--good--health--or--would--negate gains--resulting--from--previous--rehabilitative--efforts--in--no event--may--said--extension--continue--beyond--six--months--after the--child's--21st--birthday?~~

B) Be a Resident of Illinois;

C) Have a Medically Eligible Condition.

2) Treatment Services and Financial Support

It is recognized that it is the duty and responsibility of the LRAs to pay for necessary health care services for their children. DSCC will assist the LRA with this responsibility ~~for each--child--meeting--the--criteria--of--this--subsection~~ by providing treatment services and financial assistance, provided the LRAs are Residents of Illinois, and provided the child:

A) Be under 18 years of age (except that DSCC shall provide services beyond the child's 18th birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may said extension continue beyond six months after the child's 18th birthday);

B) Be a Resident of Illinois;

C) Have a Medically Eligible Condition; and in addition:

A) The LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

be entitled to permanently remain in the United States or has been admitted under color of law; or

B) The child aforedescribed is a United States citizen.

3) In addition, whenever payment for treatment services or financial support is desired, the LRA must:

A) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;

B) Make maximum use of insurance benefits, if any, as well as any other form of payment, (such as trust funds, gifts, or fund raising drives) available for the child and/or make the payments toward the support of the child's treatment as are determined by his or her EPA;

C) Sign a Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act (including products liability) and litigation is pending or contemplated.

B) Further, any attorney retained to represent the child on any claim relating to the child's medical condition for which DSCC will provide care must separately sign the Reimbursement Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.

d) Application Process: Initial and Continuing Eligibility

1) No person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.

2) General responsibilities of Applicants, Recipient Children, and LRAs:

A) Applicants/Recipients and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial status (defined as any change in financial circumstances which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size, income, or expenses).

B) The application process requires consent by the LRA(s) to release or to verify medical data and financial information provided as a part of the application process.

3) An LRA shall complete and sign a written application on behalf of the Applicant on forms specified by DSCC. DSCC shall inform the Applicant of all relevant time deadlines with respect to filing of an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency may complete and sign the application for a child in that agency's custody. A representative of a private agency may complete and sign the application for a child if he/she is the authorized guardian for the child.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

ILLINOIS REGISTER

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

17-35). Although this scale is derived from gross income figures, for purposes of financial eligibility, a family is placed on the scale according to its Adjusted Family Income and family size.

- 3) Full financial assistance is provided when the Adjusted Family Income considering family size is equal to or less than that which is allowable in accordance with the Income Scale. The LRA and attorney must submit a Reimbursement Agreement, if applicable, as provided in Section 1200.30(c)(3)(C).

- 4) Partial financial assistance is provided when the Adjusted Family Income considering family size exceeds the amount allowable on the Income Scale, subject to the following conditions:

- A) A determination that the annual family payment as established in the Payment Scale is less than the anticipated cost of services for the proposed period of eligibility;

- B) Completion of a Financial Participation Agreement (FPA) by the LRA. An FPA will be required whenever the LRA of a Recipient Child is eligible for partial financial assistance. The FPA shall be signed and returned to DSCC within thirty (30) days of its receipt by the LRA.

- i) The FPA obligates an LRA to pay for DSCC approved care for the Recipient Child. The amount will be equal to the annual family payment described by the Payment Scale. DSCC will use this money to pay for the child's direct and related care.

- ii) The FPA shall cover all Recipient Children in one family.

- C) Submission of a Reimbursement Agreement by the LRAs and attorney(s), as provided in Section 1200.30(c)(3)(C), if applicable.

- D) Adjustments to the annual family payment shall be made by DSCC if there is evidence in the application or through additional information that indicates the LRA has the ability to assume cost-sharing beyond the amount previously indicated based upon application of the financial eligibility criteria in this Section 1200.50.

- 5) The LRA shall be determined ineligible for financial assistance from DSCC when:

- A) It is determined that the Adjusted Family Income is in excess of \$10,499 of that which is allowable in accordance with Appendix A, the Income Scale.

- B) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to determine eligibility. In such instances, eligibility shall commence 30 days prior to the postmark date or, if unavailable, the date of receipt of such information necessary to establish eligibility.

- C) An LRA has failed within the time period established in

Section 1200.30(d) to complete and sign the application (including the financial application), the Reimbursement Agreement (Section 1200.30(c)(3)(C)), if applicable, and an FPA, if applicable (Section 1200.50(c)). In such instances, eligibility shall commence 30 days prior to the postmark date or, if unavailable, the date of receipt of the signed application, and/or Reimbursement Agreement, and/or FPA.

- D) The family is fully enrolled in the Illinois Comprehensive Health Insurance Program or a Health Maintenance Organization (HMO) which has responsibility for provision of medical care for the Applicant or Recipient Child. However, families with HMO coverage are eligible for financial assistance to the extent that the HMO has no responsibility for such care.

- E) In addition, the LRAs shall lose their financial assistance if:

- i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the Recipient Child have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, the LRA may reapply for assistance upon repayment to DSCC of an amount equal to the medical insurance payments made available but not applied toward the child's cost of care.

- ii) An LRA has not complied with the payment schedule established in the FPA with DSCC. In such instances, the LRA may reapply for assistance once the required payment has been made to DSCC.

- iii) An LRA fails to notify DSCC within thirty (30) days of any change in the child's medical insurance which results in medical coverage for costs which are currently paid for by DSCC.

- iv) It is determined that the LRA has in any way falsified documents used to determine eligibility.

- 6) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.

7) Period of Financial Eligibility

- A) Financial eligibility shall be established for a period of up to twenty-four (24) months commencing no sooner than thirty (30) days prior to the date a completed application is received by DSCC if applicants are able to provide current federal tax information. For purposes of this Section, current federal tax information shall be defined as the tax information for the calendar year prior to the year of application; or

- B) Financial eligibility shall be established for a period of up to twelve (12) months commencing no sooner than thirty

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

(30) days prior to the date a completed application is received by DSCC under the following circumstances:

- i) Applicants able to provide federal tax information not older than one (1) year prior to the current federal tax information.
 - ii) Applicants not required to file federal income tax forms as defined by the federal Internal Revenue Service. Income must be verified using two (2) consecutive pay stubs that are within two (2) months of application.
 - iii) Applicants determined to have a Financial Participation Agreement.
 - iv) Applicants determined financially eligible on the basis of eligibility for services being provided by or reimbursed by the Illinois Department of Public Aid (IDPA) or any other state agency using criteria the same as or more stringent than DSCC.
- C) When more than one child in a family is eligible for financial assistance, the period of eligibility for all eligible children will be for the same period.
- D) Financial eligibility shall be redetermined subject to the date established at subsection (7)(A) and (B) above.
- E) The period of financial eligibility may be less than 12 months under the following circumstances:
- i) DSCC eligibility was based upon eligibility with the Illinois Department of Public Aid (IDPA) or any other state agency and such eligibility has been cancelled. Eligibility for DSCC benefits shall be cancelled at the same time that IDPA or the other state agency eligibility is cancelled.
 - ii) The Recipient Child, at the time of financial evaluation, was a ward of an agency or court because adoption had not been finalized, and the adoption is finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.
 - iii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.
- F) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of that previously approved by DSCC, a new period of eligibility shall begin on the date said information is received by DSCC, provided that the LRA has signed a revised EPA, if one is required pursuant to subsection (c)(4)(B).

d) Financial Determination Calculations

1) Family Size

- A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

the same household. However, if a person falls into more than one category, that person shall be counted only once:

- i) The Applicant or Recipient Child;
 - ii) The Applicant or Recipient Child's spouse;
 - iii) An LRA and his/her spouse;
 - iv) Other persons who, for Federal Income Tax purposes, are deemed dependents of the applying LRA.
- 2) The family's annual Total Income shall be the sum of all income of persons comprising the family unit, as determined above but excluding income of dependent children except income of the dependent Applicant or Recipient Child and his/her spouse. Total income shall include all income as defined by the Internal Revenue Service for federal income tax reporting purposes.
- 3) The following are allowable expenses which the family may deduct from their annual Total Income in determining financial eligibility:
- A) The larger of:
 - i) The Federal Income Tax Standard Deduction Rate based on the LRA's federal income tax filing status used to determine financial eligibility;
 - or
 - ii) The total itemized deductions as reported on Schedule A of the LRA's federal filed income tax return used to determine financial eligibility.
 - B) Child and dependent care costs in accordance with the guidelines established by the Internal Revenue Service for federal income tax reporting purposes.

(Source: Amended at 18 Ill. Reg. _____, effective **JAN 24 1994**)

Section 1200.70 Payment for Services

- a) With respect to Medicaid, Medicare, ~~Medicaid, Medicare, Health Insurance--Program--CHIP, any other medical insurance plan or policy~~ or other third-party payers, unless prohibited by law, DSCC shall be deemed the payer of last resort. Nothing contained in these regulations shall authorize or require DSCC to provide payment for medical services, hospital services, supplies or appliances which would otherwise be paid by Medicaid, Medicare, ~~Medicaid, Medicare, Health Insurance--Program--CHIP, any other medical insurance plan or policy~~ or other third-party payers, including donated funds and such other funds available for medical care derived from settlement of injury claims.
- b) Payments for services are subject to the availability of funds as determined by the University of Illinois in its sole discretion.
 - 1) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time, that it does not have or will not have sufficient funds to provide payments for authorized

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

services for additional Applicants, DSCC shall:

- A) Cease accepting applications.
- B) Post notices in conspicuous places in DSCC offices and clinics and in other places where such notices are likely to be seen by Applicants. The notices shall state that DSCC is no longer accepting applications because of insufficient funds, and shall state the probable date on which DSCC shall again accept applications. Notices will also be posted in a like manner when funding again becomes available.
- C) DSCC employees shall inform clinic patients and other persons that DSCC is no longer accepting applications because of insufficient funds, and shall inform such persons of the probable date on which the Division shall again accept applications.
- D) Cease authorizing additional health care services for Recipient Children whose LPAs are eligible for DSCC financial assistance.
- 2) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time that it does not have or will not have sufficient funds to provide payments for authorized services for Applicants who have applied, but with respect to whom no determination of eligibility has been made, DSCC shall nevertheless finish processing those applications and determine the eligibility or ineligibility of each such Applicant and his/her IRA for use in the event that additional funds become available. In such event, the IRAs of eligible applicants shall be provided funding in the order received unless a child's life or good health is threatened in which event said child's application will be given priority.
- 3) DSCC shall make payments for authorized services in the order in which DSCC receives bills for such services.
- 4) If DSCC determines due to nonavailability of funds that it is unable to pay for an authorized service, it shall cancel the authorization and any related purchase order any time up to the point at which services have been provided. For this purpose, the authorization and related Purchase Order shall contain the following statement: "This authorization is subject to all of the various rules and procedures set forth at 89 Ill. Adm. Code 1200." In the event any authorization is cancelled pursuant to this limitation, any charges incurred for services rendered after the date of cancellation shall not be the obligation of DSCC.
- 5) Except as otherwise specifically provided herein in the event that DSCC determines that it does not or will not have sufficient funds to provide payments for all Applicants, present and future, as well as to make payments in behalf of all Recipient Children, it shall first cease accepting applications in accordance with subsection (1) above. If after taking such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsection (2) above. If after taking

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsections (3) and (4) above. In the event that the life or good health of a child is threatened if a procedure is not performed, DSCC shall give funding such procedure priority over other procedures not posing such threat.

- C) The Director shall establish a maximum dollar amount for payment of authorized non-physician services per fiscal year which shall be applied to each child. DSCC shall provide notice of the limit to all Recipients and Health Care Facilities who may be affected.
- D) By accepting a DSCC authorization, the Health Care Provider agrees not to seek further payment from the patient or the patient's family for such authorized services beyond the amounts available from insurance, DSCC, Medicare, or Medicaid. In those cases where DSCC has notified the Provider that money is no longer available from DSCC, the Provider shall not be so restricted.
- E) Insurance
 - 1) Maximum insurance benefits must be used. The IRA is responsible for complying with insurance contract provisions required to maximize the level of insurance benefits.
 - 2) Payment for authorized services for children with insurance benefits shall not be made until insurance has paid or rejected the claim. Subject to all the limits on benefits as contained in these Rules, DSCC will pay the cost of all required services above that reimbursed by insurance up to an established rate of payment. The Director shall approve payment for authorized services prior to settlement of the insurance claims if such is necessary to avoid undue suffering or to preserve life and good health, and if immediate payment will cause DSCC funds to be utilized in the most efficient and effective fashion, all as determined based on usual and customary medical standards.
 - 3) The family shall notify DSCC within thirty (30) days of any change in the child's medical insurance coverage which results in coverage of costs which are currently paid for by DSCC.
- F) DSCC will not provide reimbursement for minor occasional costs of a Recipient Child's treatment. For purposes of this clause "minor costs" shall be defined as charges for supplies, equipment, replacement parts, repair and replacement of equipment, and drugs less than \$25 each. "Occasional costs" shall be defined as costs occurring less frequently than once per month. In the event that minor costs are not occasional, they may be aggregated by the LRA and will be authorized by DSCC.
- G) Submittal of Claims
 - 1) In order to be eligible for payment consideration, a provider's/vendor's payment claim or bill, either initial or resubmittal following prior rejection, must be received by DSCC no later than nine (9) months from the date on which medical services, appliances or supplies are provided. This includes

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- third party payment or denial information.
- 2) Claims which are not submitted and received by DSCC in compliance with the requirements of subsection (g)(1) will not be eligible for payment under DSCC's medical program. DSCC and the patient or patient's family or guardian shall have no liability for any payment thereof.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

Section 1200.APPENDIX A Income Scale

Size of Household	Income Scale	Income* (FY 93)
1		\$14,900\$13,300
2		19,500 17,400
3		24,100 21,500
4		28,700 25,600
5		33,300 29,800
6		37,900 33,300
7		42,500 34,600
8		47,100 35,400
9		51,700 36,200
10		56,300 36,300
11		60,900 37,700
12		65,500 38,500

This table is based upon 65% 53% of the gross median family income adjusted for family size as developed for the State of Illinois by the U.S. Department of Health and Human Services, using the Federal Register's updated table for gross median family income (57 Fed. Reg. 6614). In order to find 65% 58% of state median income for households with greater than 12 members, perform the following calculation:

- 1) Begin with 150%;
- 2) Add 3 percentage points for each additional family member;
- 3) Multiply figure obtained at step (2) by 28,700 25,600 (i.e., the 4 person household amount);
- 4) Round the figure obtained at step (3) to the nearest \$100.

*Allowable Adjusted Family Income which results in full financial assistance.

(Source: Amended at 18 Ill. Reg. _____, effective
JAN 24 1994)

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Transfers Between Accounts Within a Fund Held by the State Treasurer

2) Code Citation: 74 Ill. Adm. Code 275

3) Section Number: 275.10
Emergency Action:
New Section

4) Statutory Authority: Implementing Section 9.01 of the State Comptroller Act allowing the Comptroller to move moneys from one account to another account for transactions within one State agency or between State agencies as authorized by 15 ILCS 405.

5) Effective Date of Emergency Rules: January 19, 1994

6) If the Emergency Rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date filed in Agency's Principal Office: JAN 19 1994

8) Reason for Emergency:

Although Public Act 81-737 allowing warrantless transfers between accounts within a fund held by the State Treasurer became effective in 1979, the State Comptroller never acted to implement the legislation because of budgetary and other constraints. Earlier in 1993, the Illinois Department of Revenue ("IDOR") promulgated rules requiring the electronic transfer of funds to IDOR by Illinois employers of the moneys withheld from all employees in Illinois for State income tax. See 17 Illinois Register 8450. These rules became effective October 1, 1993.

Currently, State income tax withheld from State of Illinois employees is paid to IDOR by warrant, which is subsequently deposited by IDOR back into the appropriate account in the State Treasury. In order to comply with IDOR's rules, the Comptroller, on behalf of all employing State agencies, must begin to electronically transfer State income tax withholdings directly into the appropriate receipt accounts designated by IDOR. The Comptroller's Office and IDOR have agreed to postpone the electronic transfer of State income tax withholdings until these Emergency Rules are filed. The use of transfers will result in fiscal savings and greater government efficiency and thus justifies emergency adoption.

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

9) A Complete Description of the Subjects and Issues Involved:

These rules allow the Comptroller to transfer money from one account within a fund held by the State Treasurer to another account within a fund held by the State Treasurer without the issuance of a warrant. The rules describe when the Comptroller may electronically transfer money, provide for the Treasurer's approval of such transfer, describe the necessary reporting of the transfers by the Comptroller to the Treasurer and the other affected State agencies prescribe the requisite documentation of the transfer and provides for consolidation accounts within the Comptroller's Office.

Transfers will be used initially for State income tax withheld from State employees and then later for other transfers between accounts in the State Treasury. The State Treasurer will be consulted before any additional applications are initiated.

10) Are there any Proposed Amendments pending on this Part? No.

11) Statement of Statewide Policy Objectives: The rules have no impact on local governments.

12) Information and questions regarding the Emergency Rules shall be directed to:

Kim L. Kirn
Office of the Comptroller, Second Floor
Springfield, Illinois 62706
(217) 782-6000

The full text of the Emergency Rules begin on the next page:

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER
NOTICE OF EMERGENCY RULESTITLE 74: PUBLIC FINANCE
CHAPTER 2: COMPTROLLER

PART 275

TRANSFERS BETWEEN ACCOUNTS WITHIN A FUND HELD BY THE STATE
TREASURER

Section 275.10 Transfers Between Accounts within a fund held by the State Treasurer
EMERGENCY

AUTHORITY: Implementing Section 9.01 of the State Comptroller Act as authorized by 15 ILCS 405.

SOURCE: Emergency rules adopted at _____ Ill. Reg. _____, effective JAN 19 1994 for a maximum of 150 days.

Section 275.10 Transfers Between Accounts within a fund held by the State Treasurer
EMERGENCY

a) For purposes of this Part, the term "transfer" is defined to be a financial transaction that results in the recording of a payment from an expenditure account and a deposit to a receipt account without the use of a warrant. "Transfers" under this Part shall not include statutorily mandated transfers between accounts within the State Treasury which are not revenues or expenditures to the receiving or disbursing accounts. The term "fund" is defined as a self balancing group of accounts against which all financial activity of the State is reported. One or more accounts may exist within a fund.

b) The Comptroller may transfer money between accounts within a fund held by the State Treasurer or may transfer money from one account in a fund held by the State Treasurer to another account in a different fund held by the State Treasurer without issuance of a warrant, if:

- 1) the Comptroller has received a properly completed voucher requesting payment from an account within a fund held by the State Treasurer;
- 2) an available balance exists in the fund from which the money is to be transferred;
- 3) for appropriated accounts, an unexpended balance

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER
NOTICE OF EMERGENCY RULES

exists in the appropriation account;

- 4) the transfer involves one or more State agencies exclusively;

- 5) the Treasurer approves the transfer; and

- 6) the transfer is otherwise pursuant to law and authorized.

c) In determining when to use a new application of the transfer authority the Comptroller shall consider the following criteria:

- 1) federal statute or regulation, and state statute or regulation requiring or encouraging the use of transfers;
- 2) the amounts of the transfers;
- 3) the frequency of the transfers;
- 4) the ability of the one or more State agencies administering the account to which the money is credited, to properly account for the transfer;
- 5) the fiscal savings to the State resulting from the transfer;
- 6) the added efficiency and security to the State's fiscal operations resulting from the transfer; and
- 7) reduction in paperwork and processing time.

d) Before beginning any new application of the transfer authority, the Comptroller will notify and consult with the one or more State agencies administering the account to which the money is credited and the Treasurer at least 30 days before initiating the new application.

e) The Treasurer's approval of the transfers within the State Treasury shall be deemed to be given when the Treasurer accepts and records the account activity provided by the Comptroller resulting from the transfers.

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

The Comptroller and Treasurer shall coordinate efforts to reconcile any discrepancies made in the transfer process to mutually resolve the validity of the transfer.

f) The Comptroller shall provide information on the transfers on a timely basis to the State Treasurer, the one or more State agencies administering the account to which the money is credited and other State agencies, as requested. Such information may include the amount of the transfer, the date of the transfer, the voucher number requesting the transfer, the appropriation account code, the receipt account code and other relevant information relating to the transfer, as requested.

g) The Comptroller shall not include transfers made pursuant to this Part in the monthly report prepared by the Comptroller and sent to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives of all transfers made between funds in the State Treasury during the month in accordance with Section 5f of the State Finance Act, entitled Transfers-Reports. See 30 ILCS 105/5f.

h) The Comptroller shall retain documentation of approval of all transfers by the Comptroller and Treasurer by fulfilling its record-keeping duties under the State Comptroller Act, the State Records Act and other statutes.

i) As an internal administrative step, the Comptroller may consolidate transfers or warrants into one transfer or one warrant by use of a separate fund established solely for the purpose of consolidation. Such internal transfers may be accomplished without a written voucher.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of Part: Affordable Housing Program

2) Code Citation: 47 Ill. Adm. Code 360

3) Section Numbers: Emergency Action:

360.101	Amendment
360.103	Amendment
360.104	Amendment
360.106	Amendment
360.109	Amendment
360.114	Amendment
360.201	Amendment
360.202	Amendment
360.203	Amendment
360.204	New Section
360.301	Amendment
360.303	Amendment
360.304	Amendment
360.305	Amendment
360.309	Amendment
360.310	Amendment
360.401	Amendment
360.501	Repealed
360.502	Amendment
360.503	Amendment
360.505	Amendment
360.506	Amendment
360.507	Amendment
360.601	Amendment
360.602	Amendment
360.603	Amendment
360.801	Amendment
360.802	Amendment
360.803	Amendment
360.804	Amendment
360.901	Amendment
360.902	Amendment
360.903	Amendment
360.904	Amendment
360.905	Amendment
360.1101	Amendment
360.1102	Amendment

4) Statutory Authority: Sections 65/4 and 65/7(e) of the Illinois Affordable Housing Act (310 ILCS 65/4 and 310 ILCS 65/7) and Sections 3805/7.19 and 3805/7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.19 and 20 ILCS 3805/7.25)

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 5) Effective Date of Amendments: JAN 12 1994.
- 6) Date Filed in Agency's Principal Office: December 22, 1993.
- 7) Reason for Emergency: The Illinois General Assembly recently amended the Illinois Affordable Housing Act to address the severe shortage of affordable, decent, safe and sanitary housing for Illinois' low-income and very low-income households. The desperate need for affordable housing requires that this Part be submitted on an emergency basis.
- 8) A Complete Description of the Subjects and Issues Involved: These emergency amendments amend the procedures for the operation of the Illinois Affordable Housing Program. The Illinois Affordable Housing Program was created to provide for the making of loans and grants to acquire, construct, rehabilitate, develop, operate, insure and retain affordable single-family and multi-family housing for low-income and very low-income households.
- 9) Are there any other proposed amendments pending on this Part? Yes, these same amendments are simultaneously being proposed on a non-emergency basis.
- 10) Statement of Statewide Policy Objectives: These emergency amendments will enable the Illinois Affordable Housing Program to create and retain affordable housing for low-income and very low-income households.
- 11) Information and questions regarding this amendment shall be directed to:

Name: Diane K. Corbett, Esq.
 Address: 401 N. Michigan Ave., Suite 900
 Chicago, Illinois 60611.
 Telephone: (312) 836-5333

The full text of the emergency amendments begins on the next page:

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
 CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 360

AFFORDABLE HOUSING PROGRAM

SUBPART A: GENERAL RULES

Section 360.101	Authority
EMERGENCY	
360.102	Purpose and Objectives
360.103	Definitions
EMERGENCY	
360.104	Borrowing by the Authority
EMERGENCY	
360.105	Compliance with Federal Law
360.106	Standards - Criteria
EMERGENCY	
360.107	Forms and Procedures for the Program
360.108	Fees and Charges of the Authority
360.109	Waiver
EMERGENCY	
360.110	Amendment
360.111	Severability
360.112	Gender and Number
360.113	Titles and Captions
360.114	Calendar Days
EMERGENCY	

SUBPART B: ELIGIBILITY USES

Section	Eligible-Recipients
360.201	
EMERGENCY	
360.202	Eligible-Beneficiaries
EMERGENCY	
360.203	Eligible-Activities Permitted Uses of Trust Fund Monies
EMERGENCY	
360.204	Market Rate Developments
EMERGENCY	

SUBPART C: APPLICATION

Section	Application
360.301	
EMERGENCY	
360.302	Form

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

360.303 Review
EMERGENCY
360.304 Initial Meeting Contact
EMERGENCY
360.305 Site and Market Study/Rental Analysis
EMERGENCY
360.306 Feasibility and Determination (Repealed)
360.307 Staff Recommendation
360.308 Advisory Commission
360.309 Authority Determination
EMERGENCY
360.310 Conditional Commitment
EMERGENCY

SUBPART D: NOTICE

Section
360.401 Notification by Authority
EMERGENCY
360.402 Comments and Responses

SUBPART E: OWNER RECIPIENT

Section
360.501 Eligible Applicants (Repealed)
EMERGENCY
360.502 Land Trusts
EMERGENCY
360.503 Books and Records
EMERGENCY
360.504 Audits
360.505 Annual Financial Report
EMERGENCY
360.506 Furnishing Information
EMERGENCY
360.507 Standards for Approval of Conveyance
EMERGENCY

SUBPART F: LOANS AND GRANTS

Section
360.601 Maximum Loan Amount and Priority
EMERGENCY
360.602 Maximum Grant Amount
EMERGENCY
360.603 Increase Above Maximum Mortgage Loan or Grant Amount
EMERGENCY
360.604 Amortization

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

360.605 Recapture of Assistance
360.606 Prepayment of Loan

SUBPART G: CONSTRUCTION

Section
360.701 Design and Construction Standards

SUBPART H: MARKETING AND MANAGEMENT

Section
360.801 Marketing and Management
EMERGENCY
360.802 Marketing and Management Plans
EMERGENCY
360.803 Maintenance
EMERGENCY
360.804 Cost of Service
EMERGENCY

SUBPART I: TENANTS AND OCCUPANCY

Section
360.901 Displacement
EMERGENCY
360.902 Relocation Plan
EMERGENCY
360.903 Tenant Selection Plan and Participant Selection Plan
EMERGENCY
360.904 Income and Rent Housing Expense Limits
EMERGENCY
360.905 Non-Discrimination
EMERGENCY

SUBPART J: ENERGY EFFICIENCY

Section
360.1001 Standards

SUBPART K: CERTIFICATIONS

Section
360.1101 Environmental Assessment
EMERGENCY
360.1102 Environmental Barriers Other Laws
EMERGENCY

AUTHORITY: Sections 65/4 and 65/7(e) of the Illinois Affordable

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

Housing Act (310 ILCS 65/4 and 310 ILCS 65/7) and Sections 65/7.19 and 65/7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.19 and 20 ILCS 3805/7.25).

SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1990; agency amendments at Ill. Reg. _____, effective JAN 12 1994 for a maximum of 150 days.

SUBPART A: GENERAL RULES

Section 360.101 Authority
EMERGENCY

This Part is authorized by and made pursuant to Public Act 86-925 the Illinois Affordable Housing Act, 310 ILCS 65/1 et seq. (1992) and shall govern the Program.

(Source: Emergency amendment at _____ Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

Section 360.103 Definitions
EMERGENCY

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act (Ill. Rev. Stat., 1989-ch. 67-1/2, para. 301 20 ILCS 3805/1 et seq. (1992)).

"Advisory Commission": The Affordable Housing Advisory Commission.

"Affordable Housing": Residential housing that, so long as the same is occupied by low-income households or Very Low-Income Households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as set forth in Sections 360.904(b)(1) and (2) of this Part.

"Affordable Housing Act": The Illinois Affordable Housing Act, Public Act 86-925, effective September 15, 1989 310 ILCS 65/1 et seq. (1992).

"Affordable Housing Bond Program Rules": 47 Ill. Adm. Code 365 et seq., as amended and supplemented.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

"Affordable Housing Program Trust Fund Bonds or Notes": The bonds or notes issued by the Authority under the Act to further the purposes of the Affordable Housing Act.

"Applicant": The person or entity applying for an allocation of monies from the Trust Fund.

"Authority": The Illinois Housing Development Authority.

~~"Borrower": The person or entity holding legal title to a development or single-family development and who has executed and delivered to the Authority a Note.~~

"Clearinghouse": The person in the Office of the Governor designated by the Governor to provide notice to appropriate State and local agencies of proposed developments or single-family developments.

"Development": A Multi-family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Director": The Director of the Authority.

"Grant": A grant from the Authority to a Recipient to be used in connection with a Development or Single-Family Development.

~~"Loan": The A loan from the Authority to a Borrower Recipient to be used for the acquisition of the Real Estate or for the planning, construction, rehabilitation, development, completion, or financing of a in connection with a Development or Single-Family Development.~~

"Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) ~~(Section 3 of the Act).~~

"Members": The Members of the Authority.

"Multi-family Housing": A building or buildings

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

providing housing to 5 or more households.

"Note": The document executed as evidence of a Borrower's indebtedness under a loan and any supplements thereto and modifications or amendments thereof.

~~"Owner": The person or entity holding legal title to a Development or Single Family Development or, when the Real Estate is held in an Illinois land trust, the entity owning the beneficial interest in a Trust.~~

"Part": This Part 360.

"Participant Selection Plan": The participant selection plan approved by the Authority for a Single-Family Development.

"Program": The Illinois Affordable Housing Program.

"Real Estate": The real property upon which a Development or Single-Family Development is to be or has been constructed.

"Recipient": ~~The~~ A proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government, ~~the~~ the Illinois Housing Development Authority, or the entity which holds legal title to the Development or Single-Family Development, or when the Development is held in a Trust, the entity ~~owning the beneficial interest in a Trust which receives Trust Fund monies from the Authority.~~

"Rules": The rules and regulations of the Authority as supplemented and amended from time to time.

"Single-Family Development": A Single-Family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Single-Family Housing": A building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 745/2 of the Mobile Home Landlord and Tenant Rights Act (765 ILCS 745/1 et seq. (1992))

"Staff": The Director and the employees of the Authority.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

"State": The State of Illinois.

"Tenant": The person, ~~or~~ family or unrelated persons leasing a Single-Family Development or a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust which holds legal title to a Development or Single-Family Development.

"Trustee": The trustee of an ~~Illinois land trust~~ holding legal title to a Development.

"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Trust Fund Monies": All monies, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 65/5(b) of the Affordable Housing Act and any proceeds, investments or increases thereof.

"Utility Allowance": The cost of utilities, except telephone, based on reasonable consumption of these utilities.

"Very Low-Income Household": ~~a~~ A single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) ~~(Section 3 of the Act).~~

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.104 Borrowing by the Authority
EMERGENCY

To the extent allowed by the Act and the Affordable Housing Act, the Authority may borrow funds ~~with which to make loans under~~ in connection with the Program.

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

effective JAN 12 1994, for a maximum of 150 days)

Section 360.114 Calendar Days
EMERGENCY

Days shall mean calendar days. Due dates falling on a Saturday, Sunday, or a legal State or Federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday, or a legal State or Federal holiday.

(Source: Emergency amendment at Ill. Reg. _____, effective JAN 12 1994, for a maximum of 150 days)

SUBPART B: ELIGIBILITY USES

Section 360.201 Eligible-Recipients
EMERGENCY

~~the following~~ Only entities which are Recipients are eligible to receive funds under the Program: ~~a proprietorship, partnership, for-profit corporation, net for-profit corporation or unit of local government.~~

(Source: Emergency amendment at Ill. Reg. _____, effective JAN 12 1994, for a maximum of 150 days)

Section 360.202 Eligible-Beneficiaries
EMERGENCY

Funds from the Trust Fund may be expended ~~only~~ for the benefit of Low-Income Households and Very Low-Income Households. The majority of funds appropriated by the Illinois General Assembly to the Trust Fund for each fiscal year shall be expended for the benefit of Very Low-Income Households.

(Source: Emergency amendment at Ill. Reg. _____, effective JAN 12 1994, for a maximum of 150 days)

Section 360.203 Eligible-Activities Permitted Uses of Trust Fund Monies
EMERGENCY

Trust Fund monies may be expended used for the following purposes: acquisition, rehabilitation, or new construction of a structure; the adaptive reuse of an existing structure; construction loans; predevelopment loans; gap financing; mortgage insurance; rental subsidies; down payment and security deposit assistance; interest rate write-down and construction cost write-down

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at Ill. Reg. _____, effective JAN 12 1994, for a maximum of 150 days)

Section 360.106 Standards - Criteria
EMERGENCY

In administering the Program, the Authority, ~~the Director~~, and the Staff shall, in the exercise of discretion, consider, in addition to the criteria specifically set forth in this Part;

- a) the purposes of the Program to provide affordable, decent, safer, and sanitary housing, whether through the making of a loan, a grant or the use of Trust Fund Monies pursuant to 65/8(b), 65/8(c) and 65/9 of the Act;
- b) the requirements of applicable State and Federal law;
- c) the financial condition and previous experience of the Applicant;
- d) local government and community support for the Development or Single-Family Development;
- e) suitability of the location of the Development or Single-Family Development;
- f) cost efficiency;
- g) energy efficiency;
- h) affordability to Low-Income Households and Very Low-Income Households;
- i) amount of Trust Fund Monies requested per unit;
- j) term of the loan and other sources of financing;
- k) secured position of the loan;
- l) equity contribution of Applicant;
- m) amount and appropriateness of non-construction costs; and
- n) results of site and market study, or rental analysis, if applicable.

(Source: Emergency amendment at Ill. Reg. _____, effective JAN 12 1994, for a maximum of 150 days)

Section 360.109 Waiver
EMERGENCY

By resolution, the Members may authorize the Director to waive or vary, after review by the Advisory Commission, particular provisions of this Part to conform with the requirements of applicable State or Federal law or, in exceptional circumstances, to conform with the determination of the Authority that the application of such provisions may result in undue hardship or an unreasonable result.

(Source: Emergency amendment at Ill. Reg. _____,

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- a) to make secured, unsecured or deferred repayment loans;
- b) to make zero percent or low interest loans;
- c) to make Grants, payments or subsidies for the acquisition, construction, rehabilitation, development, operation, insurance or retention of Developments or Single-Family Developments or to pay predevelopment expenses;
- d) to purchase mortgage participation certificates representing an undivided interest in specified, first-lien conventional residential Illinois mortgages which are underwritten, insured, guaranteed or purchased by the Federal Home Loan Mortgage Corporation;
- e) to be used in investments which reduce the risk associated with fluctuations in interest rates or the market price of investments or any other investments which are lawful for other fiduciaries in the State to make;
- f) to provide assistance for Developments which are occupied partly by Low-Income Households and Very-Low Income Households and partly by households not qualifying as Low-Income Households and Very Low-Income Households;
- g) to purchase first and second mortgages;
- h) to make Grants for the provision of technical assistance, outreach and building of an Applicant's capacity to develop Affordable Housing;
- i) to pay fees of the Program Administrator not to exceed \$500,000 each fiscal year in connection with the operation of the Program; and
- j) to be held, pledged, applied or dedicated pursuant to Sections 65/8(b), 65/8(c) and 65/9 of the Affordable Housing Act in connection with Affordable Housing Program Trust Fund Bonds or Notes issued pursuant to the Act. Trust Fund Monies used pursuant to this subsection 360.203(j) shall be governed by the Affordable Housing Bond Program Rules.

(Source: Emergency amendment at _____ Ill. Reg. effective JAN 1 2 1994, for a maximum of 150 days)

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

Section 360.204 Market Rate Developments

Pursuant to Section 65/10(d) of the Affordable Housing Act the Authority may provide assistance for Developments which are to be occupied partly by Low-Income Households or Very Low-Income Households provided that the number of units to be occupied by Low-Income Households or Very-Low Income Households shall be acceptable to the Authority in its sole discretion, and shall be in compliance with any Federal law and the regulations promulgated thereunder, if applicable.

(Source: Emergency rule added at _____ Ill. Reg. effective JAN 1 2 1994, for a maximum of 150 days)

SUBPART C: APPLICATION

Section 360.301 Application
EMERGENCY

Applicants seeking monies from the Trust Fund shall submit to the Authority a completed application form prescribed by the Authority together with a nonrefundable application fee in the amount of \$250. The application fee for for-profit Applicants shall be \$500. The application fee for all other Applicants shall be \$250.

(Source: Emergency amendment at _____ Ill. Reg. effective JAN 1 2 1994, for a maximum of 150 days)

Section 360.303 Review
EMERGENCY

Upon receipt of a completed application the Staff shall determine whether the application meets the eligibility requirements of Subpart B of this Part; and, whether all other requirements of this Part and the Affordable Housing Act are met. If the Staff determines that the application fails to meet any of these requirements, the Authority shall notify the Applicant in writing within twenty sixty days after receipt of the application by the Authority.

(Source: Emergency amendment at _____ Ill. Reg. effective JAN 1 2 1994, for a maximum of 150 days)

Section 360.304 Initial Meeting Contact
EMERGENCY

If the Authority determines that the application meets the requirements of this Part and the Affordable Housing Act, the

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

Staff shall ~~meet with~~ contact the Applicant to ~~establish~~ discuss what additional information, if any, is required in order to allow Staff to make a recommendation on the application to the Advisory Commission.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.305 Site and Market Study/Rental Analysis
EMERGENCY

The Authority shall ~~may~~ conduct a site and market study when the Applicant seeks funds for new construction. The Authority shall conduct a site and market study or rental analysis when the Applicant's proposed rent structure is not in conformity with the rental market rates known to the Authority within a one half mile radius of the Development.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.309 Authority Determination
EMERGENCY

The Staff shall present all ~~recommendations to distribute Trust fund monies, together with the positive recommendations for funding from the Advisory Commission, to the Members.~~ Monies from the Trust Fund can only be allocated pursuant to resolution by the Members.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.310 Conditional Commitment
EMERGENCY

After approval of an application by the Members, the Staff shall prepare and deliver to the Applicant a conditional commitment which contains the Authority's commitment to allocate Trust Fund ~~monies~~ conditioned upon the Applicant's meeting the requirements of the conditional commitment and the availability of monies in the Trust Fund. The conditional commitment ~~may remain in effect for only~~ shall expire, if unfunded, within one year from the date of issuance.

(Source: Emergency ~~amendment~~ amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

SUBPART D: NOTICE

Section 360.401 Notification by Authority
EMERGENCY

a) Notice of Allocation

Prior to the presentation of an application to the Members, the Authority shall give written notice of the proposed allocation to the following persons and agencies:

- 1) the chairman of the county board of the county in which the proposed Development or Single-Family Development is to be located;
- 2) the mayor or other chief executive of the municipality, if any, in which the proposed Development or Single-Family Development is to be located;
- 3) the appropriate Clearinghouses; and
- 4) each member of the General Assembly from the legislative district in which the proposed Development or Single-Family Development is to be located.
- 5) If the application does not request Trust Fund monies for a specific Development or Single-Family Development, the notice will be sent based on the location of the Applicant.

b) Forms

Notice under this Section shall be made on forms prepared by the Authority.

c) Contents

The notice shall set forth the name and address of the Applicant; the estimated amount of the proposed allocation; if applicable, the name and address of the proposed Development or Single-Family Development; type of any subsidies; the total number of units; and the type of Development or Single-Family Development (for example, elderly, family, or handicapped).

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

SUBPART E: ~~OWNER RECIPIENT~~

Section 360.501 Eligible Applicants (Repealed)
EMERGENCY

~~The Authority may make loans under the Program to Applicants eligible under Section 360.201 of their designs.~~

(Source: Emergency Repealer at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.502 Land Trusts
EMERGENCY

Whenever title to the Real Estate is held in an Illinois land trust, the agreement creating the Trust and establishing the respective rights, powers, and duties of the Trustee and Owner Recipient shall be in a format approved by the Authority. The Authority shall approve such format only if it meets the legal requirements necessary to create a valid Illinois land trust and complies with the Act and the Rules as determined by the Authority. ~~The deed in trust and trust agreement shall be in compliance with the Act and the Rules, as determined by the Authority.~~

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.503 Books and Records
EMERGENCY

~~The books and records of the Development and the Recipient shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining compliance with the Rules, the Act, the Affordable Housing Act and all contracts and agreements relating to the Program. The books and records of the Owner, if separate from the books and records of the Development, shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. If the allocation is made to a Recipient to be disbursed or used for more than one Development or Single Family Development, the books and records of the Recipient shall be subject to inspection, examination and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably~~

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.505 Annual Financial Report
EMERGENCY

~~Within sixty days of the end of the calendar year, the Owner Recipient shall furnish the Authority with a complete annual financial report based upon the books and records of the Development and the Owner Recipient, prepared in accordance with Authority requirements, and certified by the Owner Recipient. If the allocation is made to a Recipient to be disbursed or used for more than one Development or Single-Family Development, the Authority shall require the Recipient to submit a complete annual financial report prepared in accordance with Authority requirements.~~

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.506 Furnishing Information
EMERGENCY

~~The Owner or Recipient shall furnish such reports, projections, certifications, analyses, budget, operating report and tax returns as required by applicable Federal or State or local statutes, regulations, or subsidy or assistance programs or by the Authority, and shall furnish specific answers to the Authority's questions about the Owner Recipient's or Applicant's income, assets, liabilities, and contracts and, if applicable, about the administration, operation, maintenance, occupancy, financial soundness, and physical condition of the Development or Single-Family Development.~~

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.507 Standards for Approval of Conveyance
EMERGENCY

~~In determining whether to approve and/or impose restrictions on the conveyance, assignment, leasing, mortgaging, pledging or other transfer of the Development or Single-Family Development; and the beneficial interest in and power of direction over the Trust, or any partnership interest or stock ownership interest in the beneficiary of the Trust; the Authority shall grant such approval,~~

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

with any necessary restrictions, only if the Authority determines that such action will not have an adverse impact upon the financial stability of the Development or Single-Family Development.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

SUBPART F: LOANS AND GRANTS

Section 360.601 Maximum Loan Amount and Priority EMERGENCY

Loans shall not exceed \$500,000.00 for each application Recipient. ~~First priority~~ shall be given to those applications which propose the lowest ~~housing expense for the longest term~~ per unit total cost and lowest monthly housing expense, and longest affordability restrictions.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.602 Maximum Grant Amount EMERGENCY

Grants to a Very Low-Income Household by an ~~applicant~~ Recipient shall not exceed \$5,000. Grants to a Low-Income Household by an ~~Applicant~~ Recipient shall not exceed \$2,500. Grants to organizations or corporations ~~are limited to~~ shall not exceed \$500,000.00 ~~for each application~~. Grants are not available to for-profit entities. All other provisions of this Part apply to ~~grants~~ made by the Authority.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.603 Increase Above Maximum Mortgage Loan or Grant Amount EMERGENCY

Nothing contained in this Section shall prohibit the Authority from increasing the amount of a Loan or Grant above the limitations specified herein if the Authority, in its sole discretion, determines that such increase is necessary to meet the purposes of the Affordable Housing Act. In deciding whether to approve a loan or Grant increase, the Authority shall consider the physical condition of the Development or Single-Family Development, the value of the Development or Single-Family Development as security for the Loan, if applicable, the Authority's ability to provide

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

such Loan or Grant increase, the ability of the ~~Owner or~~ Recipient to repay the Loan and Loan increase out of gross income of the Development or Single-Family Development, the financial status of the Development or Single-Family Development and any other relevant factors.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

SUBPART H: MARKETING AND MANAGEMENT

Section 360.801 Marketing and Management EMERGENCY

a) It shall be the responsibility of the ~~Owner or~~ Recipient to provide for the marketing and management of the Development or Single-Family Development in a manner satisfactory to the Authority so as to promote the purposes of the Program and the financial stability of the Development or Single-Family Development and to preserve the value of the Authority's security interest in the Development or Single-Family Development.

b) All marketing and management plans shall be acceptable to the Authority pursuant to Section 360.802.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.802 Marketing and Management Plans EMERGENCY

a) Approval. Before the Authority makes a Loan or Grant under the Program or at such other time as required by the Authority, the Authority may require the Applicant to submit for the Authority's approval plans for the marketing and management of the Development or Single-Family Developments. In deciding whether to approve such plans, the Authority shall consider the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

b) Contents of Marketing Plan. The marketing plan shall set forth the policies and procedures to be used in marketing, shall address the qualifications of the marketing agent; the nature of the market; the dates of

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

availability of occupiable units by type and location; the dates of availability and locations of facilities essential to the marketing campaign, including model units, the rental office, and the community building; compliance with all Federal, State and local fair housing requirements; and the promotion of the Development or Single-Family Development, including the use of mass media, public relations, brochures, signs, equipment and furnishings for model units and the rental office, and marketing staff.

c) Contents of Management Plan. The management plan shall set forth the policies and procedures to be used in the management of the Development and shall, if applicable, address the qualifications of the managing agent, procedures for recruiting and supervising management personnel, and physical maintenance of the Development.

d) Responsibility. The ~~owner~~ Recipient shall be responsible for ensuring the marketing agent's and the managing agent's compliance with all applicable Federal, State and local ordinances, regulations, statutes, and Authority Rules, agreements, and requirements.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.803 Maintenance EMERGENCY

The ~~owner~~ Recipient shall maintain the Development or Single-Family Development, or cause the Development or Single-Family Development to be maintained, including without limitation, the dwelling units, commercial facilities, and grounds and equipment related to the Development or Single-Family Development, in a decent, safe, and sanitary condition, in a tenantable and rentable state of repair, and in compliance with applicable Federal, State, and local statutes, regulations, ordinances, standards and codes.

(Source: Emergency ~~amendment~~ at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.804 Cost of Service EMERGENCY

The ~~owner~~ Recipient shall not pay more for administrative, operating, and maintenance expenses than is reasonable given the location and size of the Development or Single-Family Development,

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

the level of administration, operation, and maintenance required by the applicable Authority Rules and agreements, the requirements of the marketing plan, management plan, Participant Selection Plan, Tenant Selection Plan, the uniqueness or quality of available services or supplies, the presence of an emergency or other time constraint, the creditworthiness of suppliers and contractors, and any other relevant factors.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

SUBPART I: TENANTS AND OCCUPANCY

Section 360.901 Displacement EMERGENCY

Recipients shall not cause the permanent displacement of any Tenants in a Development or Single-Family Development that receives Trust Fund #Monies for rehabilitation except as provided in Section 360.903 of this Part.

(Source: Emergency amendment at Ill. Reg., effective JAN 12 1994, for a maximum of 150 days)

Section 360.902 Relocation Plan EMERGENCY

a) Approval. Before the Authority makes a Loan Or Grant under the Program or at such other time as required by the Authority, the Authority shall may require the Applicant to submit, for the Authority's approval, a plan for the temporary relocation or permanent displacement of Tenants. In deciding whether to approve such plans, the Authority shall consider the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

b) Benefits Provided For in the Relocation Plan. The benefits provided for ~~under~~ in the relocation plan shall be available only to lawful residential Tenants (not owner-occupants or businesses) who are temporarily relocated or permanently displaced following submission of the Applicant's application for Trust Fund #Monies or Applicant's control of the site, whichever comes later. The benefits provided for under the relocation plan shall not be available to Tenants if: the Tenant commences occupancy after the Applicant's application for Trust

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

Fund monies or Applicant's control of the site, whichever comes later, provided such Tenant receives written notice of the impending rehabilitation and possible relocation or displacement prior to executing the lease; the Tenant has his/her tenancy terminated for violations of the terms and conditions of the lease, a violation of applicable Federal, State or local law, or other good cause; the Tenant is rejected for continued occupancy by the Applicant Recipient for reasons stated in the Tenant Selection Plan or Participant Selection Plan; the Tenant moves from the Development or Single-Family Development of his/her own accord or moves from the Development or Single-Family Development after receiving written notice of the impending rehabilitation; or other good cause exists to deny benefits as determined by the Authority. However, Tenants who are rejected by the Applicant Recipient for continued occupancy in the Development or Single-Family Development for reasons concerning family size restrictions or inability to afford rent levels charged after rehabilitation shall be eligible for permanent displacement benefits under the relocation plan.

- c) Contents of the Relocation Plan. The relocation plan shall set forth the policies and procedures to be used by the Applicant in temporarily relocating or permanently displacing Tenants including, but not limited to: provisions detailing the responsibilities of the Authority, the Applicant and, if applicable, its managing agent; the basic actions to be taken in the relocation program; the acceptance and rejection criteria for determining eligibility for temporary relocation and permanent displacement benefits; the information to be provided to Tenants regarding the relocation program; provisions providing for determining Tenants' relocation needs; a description of relocation benefits; and, provisions detailing the implementation of the relocation plan, including a timetable for activities under the plan.

- d) Enforcement of Relocation Plan. The Recipient is responsible for assuring that all the relocation requirements are met. The Authority, except in those cases where another governmental agency has a regulatory requirement to do so, will monitor the relocation activities to determine compliance with the requirements of this Section. To enforce the provisions of this Section, the Authority may take whatever action is

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

available under this Subpart I or the Loan or Grant documents, including the withholding of any Trust Fund monies due Recipient.

(Source: Emergency amendment at Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

Section 360.903 Tenant Selection Plan and Participant Selection Plan
EMERGENCY

Before making a Loan, grant or any other allocation under the Program, the Authority shall approve, where applicable, a Tenant Selection Plan or Participant Selection Plan submitted by the Applicant and setting forth the income limits for Tenants. In approving the Tenant Selection Plan or Participant Selection Plan, the Authority shall consider whether the selection procedures will be equitable considering the family size and circumstances of the Tenant; maintain the financial stability of the Development or Single-Family Development; meet the requirements of Section 360.905 of this Part and comply with the Authority's Rules.

(Source: Emergency amendment at Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

Section 360.904 Income and Rent Housing Expense Limits
EMERGENCY

- a) A Tenant's initial occupancy of a unit held available for rental to Low-Income Households and Very Low-Income Households shall be limited to persons and families initially meeting the income limits set forth in subsection (b) below. If a Tenant meeting income requirements at the time of initial occupancy subsequently fails to continue to meet such requirements, that failure shall not constitute non-compliance by that Tenant.

- b) Determination of Income Limits

- 1) For all units in a Development, or a Single-Family Development, reserved for Low-Income Households, the income limits shall be equal to 80% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) ~~(Section 3 of the Act)~~. The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

- 2) For all units in a Development, or a Single-Family Development, reserved for Very Low-Income Households, the income limits shall be equal to 50% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) ~~(Section 3 of the Act)~~. The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

- 3) The ~~Owner~~ Recipient shall obtain from each prospective Tenant intending to occupy a unit held available for rental to in a Development, or a Single-Family Development, reserved for Low-Income Households and Very Low-Income Households, and on an annual basis thereafter, a certification of income. The ~~Owner~~ Recipient shall submit such certification to the Authority by mail.

c) Determination of Rent Housing Expense Limits

- 1) For all units in a Development, or a Single-Family Development, reserved for Low-Income Households, Tenant(s) ~~occupying such units~~ shall not be charged incur, including a Utility Allowance, rent monthly housing expenses in excess of 30% of the maximum allowable income as set forth in subsection (b)(1) above. The amount allocated for the Utility Allowance shall be ~~determined~~ proposed by the Recipient Applicant and approved by the Authority.

- 2) For all units in a Development, or a Single-Family Development, reserved for Very Low-Income Households, Tenant(s) ~~occupying such units~~ shall not be charged incur, including a Utility Allowance, ~~rent~~ monthly housing expense in excess

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

of 30% of the maximum allowable income as set forth in subsection (b) (2) above. The amount allocated for the Utility Allowance shall be ~~determined~~ proposed by the Recipient Applicant and approved by the Authority.

- 3) The ~~Owner~~ Recipient shall submit on an annual basis the rent schedule for the Development reflecting the actual rents being charged at the Development.
- 4) No person or family shall be required to vacate or move from a unit in a Development or Single-Family Development reserved for Low-Income Households or Very Low-Income Households due to an increase in income exceeding the income limitations contained in this Subpart I. The ~~Owner~~ Recipient may increase the rent for such units, for so long as the person or family's income exceeds such limits, to an amount not to exceed the fair market rent as determined by the Authority, determined by a market study of comparable rental units within a one half mile radius of the Development.

(Source: Emergency amendment at Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

Section 360.905 Non-Discrimination
EMERGENCY

Recipients shall not refuse to accept Tenants for occupancy solely because the Tenant receives governmental rental assistance, nor based on a prospective Tenant's race, national origin, ancestry, religion, creed, sex, age, familial or marital status, ~~or~~ disability, or unfavorable military discharge.

(Source: Emergency amendment at Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

SUBPART K: CERTIFICATIONS

Section 360.1101 Environmental Assessment
EMERGENCY

Prior to the making of a loan or grant under the Program, the Authority ~~shall~~ may require the Applicant to ~~have an~~ conduct or authorize the Authority to cause to be conducted on the Applicant's behalf a Phase I environmental assessment review, certified to the Authority, of the proposed Development undertaken by an

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers: 152.100, 152.150,
152.200, 152.250
Emergency Action:
New Section
New Section
- 4) Statutory Authority: Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6 and 12-13] and Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3]
- 5) Effective Date of Amendments: January 18, 1994
- 6) If these Emergency Rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 18, 1994
- 8) Reason for Emergency:

The State budget process for fiscal year 1994--which runs from July 1, 1993 through June 30, 1994--commenced in September 1992. The budget models on which the 1994 Medicaid reimbursement system, including rates, were based (the budget models were shared with the hospital industry) were developed in pertinent part in reliance on claims submitted by hospitals to the Department as adjudicated through July 15, 1992. The Department then engaged in discussions with the hospital industry during 1993 concerning the Medicaid reimbursement system for hospitals for fiscal year 1994. It was assumed by both the Department and the hospital industry that the claims submitted by hospitals to the Department and adjudicated through July 15, 1992 were representative of the claims for the entire 1992 fiscal year, and thus such claims were used as the basis for determining the claims the Department would experience in fiscal years 1993 and 1994 after considering projected changes in utilization, case mix and related reimbursement factors. It was believed by the Department and the hospital industry that the \$1.6198 billion legislative appropriation for hospital services during fiscal year 1994 was sufficient to cover all Medicaid claims to be paid by the Department to hospitals during fiscal year 1994 under the present reimbursement system. The Department recently discovered, however, that the claims adjudicated through July 15, 1992 were not representative of the claims the Department actually experienced during fiscal years 1992, 1993 and 1994, and therefore, were not a proper basis for estimating the claims the Department has experienced and will

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

environmental consultant approved in advance by the Authority if the Applicant requests a loan secured by a first lien mortgage. The Authority may, at its election commission such assessment. The environmental assessment shall, at a minimum, consist of a review of historic activities on the Real Estate and current conditions of the Real Estate which identify potential ~~problem areas~~ violations of applicable environmental laws. If its review of the results of the Phase I ~~an~~ environmental assessment disclose the presence of any hazardous substance as described at Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601(14)), or any other adverse environmental conditions, as determined by the Authority, then the Authority may deny the application or the funding of the Loan or Grant. The Authority may elect, as a condition to further review of the application or to the making of the Loan or Grant, as the case may be, that the Applicant the Authority shall have conducted or authorize the Authority to conduct on the Applicant's behalf a Phase II ~~a more~~ comprehensive environmental assessment certified to the Authority by an environmental consultant approved in advance by the Authority. This Phase II assessment may consist of sampling, lab analysis and an estimate of the magnitude of environmental problems, as well as costs involved in site cleanup. The Applicant shall pay the costs of all such assessments, and the costs may, at the sole discretion of the Authority, be payable out of Loan or Grant proceeds.

(Source: Emergency amendment at _____ Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

Section 360.1102 ~~Environmental Barriers~~ Other Laws
EMERGENCY

All Developments receiving assistance from the Trust Fund for construction and rehabilitation shall comply with the provisions of the Environmental Barriers Act (Ill. Rev. Stat. 1987, ch. 111-1/2, pars. 3711 410 ILCS 25/1 et seq.), and the Illinois Accessibility Code (71 Ill. Adm. Code 400), the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), Executive Order for the Reduction of Earthquake Hazards (Executive Order 90-2), the Historic Preservation Act (20 ILCS 3410/1 et seq. (1992)), and all other Local, State and Federal laws, as applicable.

(Source: Emergency amendment at _____ Ill. Reg. effective JAN 12 1994, for a maximum of 150 days)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

experience in fiscal year 1994. The Department has determined that the reimbursement rates for hospitals for fiscal year 1994 are excessive, and unless these emergency rules are implemented, the Medicaid liability to hospitals under the present reimbursement system will exceed the \$1.6198 billion appropriated amount by hundreds of millions of dollars. These changes are necessary to permit the Department to purchase health care in a prudent and cost effective manner and to prevent excessive, unnecessary expenditures. These emergency rules also are necessary to protect the public health, safety and welfare while maintaining adequate reimbursement levels. In conjunction with the filing of these emergency rules, the Department has initiated regular proposed rulemaking.

9) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is adopting emergency rules to maintain the current reimbursement rates for hospital services at levels in effect on January 18, 1994. These rules are being adopted as Part 152. In separate rulemaking, these changes are also being proposed for public comment with an automatic expiration date of June 30, 1995.

Section 152.100 provides for the application of an adjustment factor to add-on payments to hospitals in order to maintain the spending at current levels. Specifically, this adjustment will be applied to the following payments:

- Uncompensated care payments under 89 Ill. Adm. Code 148.150(h).
- Trauma center payments under 89 Ill. Adm. Code 148.290(c).
- Rehabilitation hospital payments under 89 Ill. Adm. Code 148.290(d).
- Perinatal center payments under 89 Ill. Adm. Code 148.290(e).
- Obstetrical care payments under 89 Ill. Adm. Code 148.290(f).
- Targeted access payments under 89 Ill. Adm. Code 148.290(g). These payments will also be subject to an inflation-related adjustment.
- Medicaid high volume payments under 89 Ill. Adm. Code 148.290(h)(2)(D).

Sections 152.150 and 152.200 make a number of changes in the reimbursement methodologies for hospitals which are reimbursed under the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) and for hospitals which are reimbursed under non-DRG methodologies. These changes include an adjustment to DRG relative weighting factors.

Section 152.250 provides an appeal mechanism for any hospital that believes that it may face significant financial hardships by continuing to provide services under these rate changes. These provisions outline the information that must be provided by the hospital to initiate an appeal and the basis on which the Department will determine whether additional reimbursement should be provided.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency rules do not affect units of local government.

12) Information and questions regarding these Emergency Rules shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Rules begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section	Reimbursement Add-on Adjustments
152.100	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
EMERGENCY	
152.150	Non-DRG Reimbursement Methodologies
EMERGENCY	
152.200	Appeals
EMERGENCY	
152.250	
EMERGENCY	

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6 and 12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3].

SOURCE: Emergency rules adopted at 18 Ill. Reg. _____, effective January 18, 1994, for maximum of 150 days.

Section 152.100 Reimbursement Add-on Adjustments
EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.
- b) Outpatient indigent volume adjustments, as described in 89 Ill. Adm. Code 148.140(b)(5)(A) and (b)(5)(B), as calculated for rate year 1994, shall remain in effect through fiscal year 1995. Hospitals not qualifying in rate year 1994 (October 1, 1993, through September 30, 1994) must submit the data described in 89 Ill. Adm. Code 148.150 in order to qualify in rate year 1995 (October 1, 1994, through September 30, 1995).
- c) Uncompensated care payment adjustments, as described in 89 Ill. Adm. Code 148.150(h), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.150(h) during the period of July 1, 1994, through June 30, 1995, to the payments made

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

Section 152.100(c) (continued)

- under 89 Ill. Adm. Code 148.150(g) and (h) during the period of July 1, 1993, through June 30, 1994.
- d) Trauma center adjustments, as described in 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1993, through June 30, 1994.
- e) Rehabilitation hospital adjustments, as described in 89 Ill. Adm. Code 148.290(d)(1), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1993, through June 30, 1994.
- f) Perinatal center adjustments, as described in 89 Ill. Adm. Code 148.290(e)(1), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(e) during the period of July 1, 1994, through June 30, 1995 to the payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1993, through June 30, 1994.
- g) Obstetrical care adjustments, as described in 89 Ill. Adm. Code 148.290(f)(1), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1994, through June 30, 1995 to the payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1993, through June 30, 1994.
- h) Targeted access payment adjustments, as described in 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(g)(2), (g)(3), (g)(4), (g)(5) and (g)(6) during the period of July 1, 1993, through June 30, 1994.
- i) Targeted access payment adjustments, as calculated under subsection (h) above, shall be further adjusted by a factor which will inversely adjust targeted access spending in an amount equal to the updates calculated under 89 Ill. Adm. Code 148.120(q)(2)(D) and 148.290(h)(2)(C).

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

Section 152.100 (continued)

- j) Medicaid high volume adjustments, as described in 89 Ill. Adm. Code 148.290(h)(2)(D), shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(h)(2)(D) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(h)(2)(D) during the period of July 1, 1993, through June 30, 1994.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes in rule described in this Section will be effective January 18, 1994.
- b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).
- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

Section 152.200 Non-DRG Reimbursement Methodologies EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.160 and 148.170, in effect on January 18, 1994, shall remain in effect until June 30, 1995.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

Section 152.250 Appeals EMERGENCY

- a) Right to appeal. Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department within 30 days of the date of the letter notifying the hospital of its prospective rate. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.
- b) Non-appealable issue. The October 1, 1993, rates and reimbursement systems used to calculate the rates are not appealable.
- c) Appeal documentation.
- 1) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written declaration, and under penalties of perjury, that the signing officer has personally examined the documentation and that the information is true, correct, and complete.
 - 2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.
 - 3) The hospital must submit a copy of its last two financial statements audited by an external, independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external independent certified public account is also required.
 - d) Appeal Process. In no event shall financial relief be awarded, unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

Section 152.250(d) (continued)

payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must show that:

- 1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.
- 2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospitals. Reasonable access exists if most individuals served by the hospital seeking financial relief can receive inpatient hospital care within a 30 minute travel time at a total cost which is less to the Department than the costs which would be incurred at the hospital seeking financial relief.
- 3) The ratio of current assets to current liabilities reflected on the cash position statement described in subsection (c)(2) above is less than 1.0.
- 4) The financial statements described in subsection (c)(3) above must reflect a net loss in each of the two years.
- 5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than 1.3.
- e) Financial relief. If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.
- f) Definitions. For purposes of this Section, unless the context requires otherwise:
 - 1) "Current assets" must follow Generally Accepted Accounting Principles, except for this purpose all unrestricted investments must be included as current assets.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

Section 152.250(f) (continued)

- 2) "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.
- 3) "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.
- 4) "Ratio of current assets to current liabilities" means current assets divided by current liabilities, as defined above.
- 5) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Number: Emergency Action:

153.100

New Section

4) Statutory Authority: Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6 and 12-13] and Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3]

5) Effective Date of Amendments: January 18, 1994

6) If these Emergency Rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: January 18, 1994

8) Reason for Emergency:

The budget and appropriation for long term care facilities for fiscal year 1994 was based, among other factors, on certain assumptions that utilization patterns of previous years would remain relatively constant during fiscal year 1994. It was believed by the Department and the long term care industry that the \$1.265 billion legislative appropriation for long term care services during fiscal year 1994 was sufficient to cover all Medicaid liability of the Department to long term care providers during fiscal year 1994 under the present reimbursement system. The Department recently discovered, however, that the utilization patterns of prior years have changed and are changing in fiscal year 1994. Based upon these changes, the Department has determined that the reimbursement rates for long term care facilities for fiscal year 1994, along with currently projected utilization, will result in Medicaid liability to long term care facilities that will significantly exceed the \$1.265 billion appropriated amount. These changes are necessary to permit the Department to purchase long term care in a prudent and cost effective manner and to prevent excessive, unnecessary expenditures. The cost containment measures in these emergency rules also are necessary to protect the public health, safety and welfare while maintaining adequate reimbursement levels. In conjunction with the filing of these emergency rules, the Department has initiated regular proposed rulemaking.

9) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is adopting emergency rules to maintain the

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

current reimbursement rate for long term care services in effect on January 18, 1994. These rules are being adopted as Part 153. In separate rulemaking, these changes are also being proposed for public comment with an automatic expiration date of June 30, 1995.

Section 153.100 provides that reimbursement rates for long term care services, including rates for nursing facilities, facilities for persons with developmental disabilities, and day training providers, will remain at the levels in effect on January 18, 1994. Exceptions are detailed in the rules. These exceptions include the following provisions:

- In cases where the exit interview for an Inspection of Care (IOC) survey was conducted prior to January 18, 1994, the results of the survey will be processed and used to adjust the facility rate effective with the facility's annual nursing rate adjustment date.
- Capital and support rates may be adjusted based on final audits of cost report data.
- Capital rates will be increased for major capital improvements.
- The rate for new facilities which is set at the median rate will be adjusted based on their first cost report and first inspection of care (IOC) survey.

The rules also provide that an interim Inspection of Care (IOC) survey will be conducted and rates adjusted in accordance with that survey in the following circumstances:

- When the request for the interim IOC was received prior to January 18, 1994, and meets the criteria in the current rules.
- When the facility has changed ownership no earlier than 90 days prior to and not later than January 18, 1994, and requests an interim IOC. The interim IOC request must include justification and documentation which meets the criteria in the current rules.
- When the facility requests an interim IOC and documents that there has been a change in the Medicaid census since the last IOC survey which meets the criteria in the current rules.
- When the Department determines that special rate determinations are needed as a result of Medicaid residents being transferred from a state operated developmentally disabled facility.
- When the Department determines that an interim IOC survey is necessary based upon a significant reduction in the level of resident care or in order to protect the health and safety of residents.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency rules do not affect units of local government.

12) Information and questions regarding these Emergency Rules shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Rules begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER 1: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section
 153.100
 EMERGENCY

Reimbursement for Long Term Care Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6, 7 and 12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3].

SOURCE: Emergency rules adopted at 18 Ill. Reg. _____, effective January 18, 1994, for maximum of 150 days.

Section 153.100 Reimbursement for Long Term Care Services
 EMERGENCY

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- e) New facilities which are assigned median rates in accordance with 89

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY RULES

Section 153.100(e) (continued)

Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.

- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days of the last IOC need not be met. The written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a state operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:
125.270 Amended
125.390 Amended
- 4) Reference to the Specific State or Federal Court Order.
Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 58 FR 63033 and 58 FR 63521 (1993).
- 5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16].
- 6) Effective Date: JAN 24 1994
- 7) A Complete Description of the Subjects and Issues Involved:
In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act and the Federal Poultry Inspection Act and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) is amending Section 381.147(f)(4) of the poultry products inspection regulations to permit the use of tricalcium phosphate in mechanically deboned chickens, in accordance with current good manufacturing practices, during the dehydration process to preserve the color of such dehydrated products. The final rule will allow tricalcium phosphate at a level not to exceed 2 percent of the weight of the mechanically deboned chicken before dehydration. Use of tricalcium phosphate at such level will sequester the iron present in the blood of mechanically deboned chicken during the dehydration process, thus preventing discoloration (browning) of the product.

The FSIS is amending Section 318.7(c)(4) of the Federal meat inspection regulations to expand the list of products in which sorbitol is permitted to include cured pork products, such as Canadian style bacon and smoked pork shoulder picnic

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

roll. This will allow the use to up to 2 percent sorbitol in such meat food products to flavor, to reduce caramelization and charring of such products when they are used in other products subject to severe heat treatment, and to facilitate removal of casings from the products. In addition, federal meat inspection regulations are being amended by removing the prohibition against the use of sorbitol in combination with corn syrup and/or corn syrup solids. This action is based on the current availability of reliable laboratory procedures to measure the amount of sorbitol present in such combinations, so that the prohibition is no longer needed.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: January 18, 1994
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? Yes, proposed amendments to Sections 125.260 and 125.380 (published in 17 Ill. Reg. 18917, 11/5/93) are pending.
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	Definitions
125.10	Incorporation by Reference of Federal Rules
125.20	Application for License; Approval
125.30	Official Number
125.40	Inspections; Suspension or Revocation of License
125.50	Administrative Hearings; Appeals
125.60	Assignment and Authority of Program Employees
125.70	Schedule of Operations; Overtime
125.80	Official Marks of Inspection, Devices and Certificates
125.90	Records and Reports
125.100	Exemptions
125.110	Disposal of Dead Animals and Poultry
125.120	Reportable Animal and Poultry Diseases
125.130	Detention; Seizure; Condemnation
125.140	

SUBPART B: MEAT INSPECTION

Section	Livestock and Meat Establishments	Meat Products	Entering Official
125.150	Equine and Equine Products		
125.160	Facilities for Inspection		
125.170	Sanitation		
125.180	Ante-Mortem Inspection		
125.190	Post-Mortem Inspection		
125.200	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts		
125.210	Humane Slaughter of Animals		
125.220	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment		
125.230	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking		
125.240	Marking Products and Their Containers		
125.250	Labeling, Marking and Containers		
125.260	Entry into Official Establishment; Reinspection and Preparation of Product		
125.270	Meat Definitions and Standards of Identity or Composition		
125.280			

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

125.290 Transportation
 125.295 Imported Products
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650/16] and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg.

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 3696, effective February 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

operator of the establishment.

c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.

e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.

f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.

g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.

i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.

j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

k) Disinfectants shall be those as set forth in Section

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. _____, effective JAN 24 1994.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.300 through 318.311 (1990); 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42885, effective October 19, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 41138, effective September 1, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 45238 and 58 FR 45240, effective September 27, 1993; 58 FR 59934, effective December 23, 1993; 58 FR 63521, effective January 3, 1994).

b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

125.180.

- 1) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 18 Ill. Reg. _____, effective JAN 24 1994)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.149, 381.150 through 381.151, 381.200, 381.300 through 381.311 (1990); 55 FR 5976, effective March 23, 1990; 55 FR 23070, effective July 6, 1990; 56 FR 65179, effective January 15, 1992; 57 FR 28083, effective July 24, 1992; 57 FR 43588, effective October 21, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 63033, effective December 30, 1993).
- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

provisions of 9 CFR 381.200 for reinspection.

- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.
- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.
- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).

ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 18 Ill. Reg. _____, effective
JAN 24 1994)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part:
Structural Pest Control Code
- 2) Code Citation:
77 Ill. Adm. Code 830
- 3) Register Citation to Notice of Proposed Rules:
17 Ill. Reg. 21290 (December 18, 1993)
- 4) Date, Time and Location of Public Hearing:
10:00 a.m. - 12:00 p.m.
February 25, 1994
Illinois Department of Public Health
1st Floor Training Room
525 West Jefferson
Springfield, Illinois 62761
- 5) Other Pertinent Information:

This public hearing will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing.

- 1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- 2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
- 3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 18, 1994 through January 24, 1994, and have been scheduled for review by the Committee at its February 15, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/5/94	Department of Children and Family Services, Audits, Reviews and Investigations (89 III Adm Code 434)	5/21/93 17 III Reg 7115	2/15/94
3/5/94	Department of Children and Family Services, Licensing Standards for Day Care Homes (89 III Adm Code 406)	7/30/93 17 III Reg 11964	2/15/94
3/5/94	Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 III Adm Code 408)	7/30/93 17 III Reg 11976	2/15/94
3/5/94	Department of Employment Security, Claimant's Availability for Work, Ability to Work, and Active Search for Work (56 III Adm Code 2865)	11/12/93 17 III Reg 19421	2/15/94
3/5/94	Department of Employment Security, Disqualifying Income and Reduced Benefits (56 III Adm Code 2920)	11/12/93 17 III Reg 19427	2/15/94
3/5/94	Department of Employment Security, Academic Personnel (56 III Adm Code 2915)	11/12/93 17 III Reg 19415	2/15/94
3/5/94	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 III Adm Code 147)	10/29/93 17 III Reg 18788	2/15/94

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/5/94	Department of Public Aid, Medical Payment (89 III Adm Code 140)	11/5/93 17 III Reg 19012	2/15/94
3/6/94	Department of Central Management Services, Solicitation for Charitable Payroll Deductions (80 III Adm Code 2650)	2/26/93 17 III Reg 2449	2/15/94
3/6/94	Illinois Motor Vehicle Theft Prevention Council, Trust Fund Collection Rules (20 III Adm Code 1800)	12/3/93 17 III Reg 20539	2/15/94
3/6/94	Department of Professional Regulation, The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 III Adm Code 1175)	11/29/93 17 III Reg 20217	2/15/94
3/9/94	Pollution Control Board, Hearings Pursuant to Specific Rules (35 III Adm Code 106)	10/8/93 17 III Reg 16355	2/15/94
3/9/94	Department of Public Aid, Medical Payment (89 III Adm Code 140)	10/22/93 17 III Reg 18436	2/15/94
3/9/94	Department of Public Aid, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 III Adm Code 149)	9/24/93 17 III Reg 15243	2/15/94
3/9/94	Department of Public Aid, Hospital Services (89 III Adm Code 148)	9/24/93 17 III Reg 15291	2/15/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(Page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3 9 94	Pollution Control Board, Permits (35 Ill Adm Code 105)	10/8/93 17 Ill Reg 16366	2/15/94

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR
RQ - Request for Correction	Objections
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

89 Ill. Adm. Code 240 Community Care Program (A-609)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93; A-205)
8 Ill. Adm. Code 125 Meat and Poultry Inspection Act (PP-304)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310 Pay Plan (P-13657/93; A-227; A-1107)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide
& Regional Committees (P-561)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television
Companies, Electric Utilities & Telecommunications Carriers (A-676; M-795)

83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing
Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service
(P-918)

83 Ill. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination
of Service & Service & Issuance of Telephone Utilities in the State of Illinois
(P-927)

83 Ill. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937)
83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-946)

ILLINOIS REGISTER		ILLINOIS REGISTER	
CUMULATIVE INDEX		CUMULATIVE INDEX	
Vol. 18, Issue #5	February 4, 1994	Vol. 18, Issue #5	February 4, 1994
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF		POLLUTION CONTROL BOARD	
56 Ill. Adm. Code 2600	Service Delivery System & State Responsibilities (P-805)	35 Ill. Adm. Code 211	Definitions & General Provisions (A-1253)
14 Ill. Adm. Code 545	Technology Advancement & Development Act Program (P-839)	35 Ill. Adm. Code 304	Effluent Standards (P-15223/93; A-267)
56 Ill. Adm. Code 2630	Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855)	35 Ill. Adm. Code 720	Hazardous Waste Management System: General (P-337)
		35 Ill. Adm. Code 106	Hearings Pursuant to Specific Rules (P-959)
		35 Ill. Adm. Code 721	Identification and Listing of Hazardous Waste (P-357)
		35 Ill. Adm. Code 725	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377)
COMMUNITY COLLEGE BOARD, ILLINOIS		35 Ill. Adm. Code 728	Land Disposal Restrictions (P-388)
23 Ill. Adm. Code 1501	Administration of the Ill. Public Community College (P-569)	35 Ill. Adm. Code 702	RCRA and UIC Permit Programs (P-406)
CONSERVATION, DEPARTMENT OF		35 Ill. Adm. Code 703	RCRA Permit Program (P-419)
17 Ill. Adm. Code 130	Camping on Department of Conservation Properties (A-1126)	35 Ill. Adm. Code 724	Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439)
17 Ill. Adm. Code 1010	III. List of Endangered & Threatened Fauna (A-1134)	35 Ill. Adm. Code 810	Solid Waste Disposal: General Provisions (A-1268)
17 Ill. Adm. Code 1050	III. List of Endangered & Threatened Flora (A-1142)	35 Ill. Adm. Code 814	Standards for Existing Landfills & Units (A-1284)
17 Ill. Adm. Code 1070	Possession of Specimens or Products of Endangered or Threatened Species (P-1)	35 Ill. Adm. Code 455	Standards for the Management of Used Oil (P-455)
17 Ill. Adm. Code 4010	Register of Land & Water Reserves (P-578)	35 Ill. Adm. Code 811	Standards for New Solid Waste Landfills (A-1308)
17 Ill. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (A-1156)	35 Ill. Adm. Code 212	Visible & Particulate Matter Emissions (P-967)
EDUCATION, STATE BOARD		PROFESSIONAL REGULATIONS, DEPARTMENT OF	
23 Ill. Adm. Code 210	Learning Assessment & School Improvement Plans (AR-1169)	68 Ill. Adm. Code 1315	III. Occupational Therapy Practice Act (P-590)
23 Ill. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (A-1171)	68 Ill. Adm. Code 1285	Medical Practice Act of 1987 (RQ-21209/93; EC-312)
23 Ill. Adm. Code 245	Urban Education Partnership Program (P-10131/93; A-237)	PUBLIC AID, DEPARTMENT OF	
EMPLOYMENT SECURITY, DEPARTMENT OF		89 Ill. Adm. Code	Child Support Enforcement (P-497) (A-697)
56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-17628/93; A-250)	89 Ill. Adm. Code	Rights and Responsibilities (P-15461/93; A-273)
56 Ill. Adm. Code 2760	Notices, Records, Reports (P-16319/93; A-261)	PUBLIC HEALTH, DEPARTMENT OF	
ENVIRONMENTAL PROTECTION AGENCY		77 Ill. Adm. Code 692	AIDS Drug Reimbursement Program (A-1427)
35 Ill. Adm. Code 184	Licensing of Industrial Hygienists (P-4)	77 Ill. Adm. Code 250	Hospital Licensing Requirements (P-46)
FIRE MARSHALL, OFFICE OF STATE		77 Ill. Adm. Code 350	Intermediate Care for the Developmentally Disabled Facilities Code (A-1432)
41 Ill. Adm. Code 200	Storage, Transportation, Sale and Use of Liquefied Petroleum Gases (P-22)	77 Ill. Adm. Code 390	Long-term Care for Under Age 22 Facilities Code (A-1453)
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS		77 Ill. Adm. Code 505	Pregnancy Termination Report Code (P-13631/93; A-533)
47 Ill. Adm. Code 365	Affordable Housing Bond Program (P-956; A-1596)	77 Ill. Adm. Code 547	Regional Ambulance Services Code (P-95)
HUMAN RIGHTS, DEPARTMENT OF		77 Ill. Adm. Code 420	Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (PR-103)
2 Ill. Adm. Code 926	Access to Information (A-512)	77 Ill. Adm. Code 330	Sheltered Care Facilities Code (A-1475)
2 Ill. Adm. Code 925	Rulemaking and Organization (A-525)	77 Ill. Adm. Code 300	Skilled Nursing & Intermediate Care Facilities Code (A-1491)
INSURANCE, DEPARTMENT OF		RACING BOARD, ILLINOIS	
50 Ill. Adm. Code 1103	Life Reinsurance Agreement (A-685)	11 Ill. Adm. Code 206	Board Meetings (P-112)
50 Ill. Adm. Code 2017	Uniform Medical Claim and Billing (P-37)	11 Ill. Adm. Code 208	Charitable Funds (P-115)
		11 Ill. Adm. Code 207	Executive Secretary (PR-124)
		11 Ill. Adm. Code 204	Hearings and Enforcement Proceedings (P-126)
		11 Ill. Adm. Code 433	Totalizer Operations (P-137)
JOINT COMMITTEE ON ADMINISTRATIVE RULES			
1 Ill. Adm. Code 230	Review of Emergency Rulemaking (A-1233)		

REVENUE, DEPARTMENT OF

Income Tax (A-1510)
Retailers' Occupation Tax (P-982; A-1537)
Service Occupation Tax (A-1550)
Service Use Tax (A-1557)
Uniform Penalty & Interest Act (A-1561)
Use Tax (A-1584)

SECRETARY OF STATE

Commercial Driver Training Schools (P-142)
Issuance of Licenses (P-993; A-1591)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

College Savings Bond Bonus Incentive Grant (Big) Program (P-1006)
Federal Family Education Loan Program (P-1013)
General Provisions (P-1037)
Grant Programs for Dependents of Correctional Officers (P-1054)
Ill. National Guard Grant Program (P-1058)
Ill. Veteran Grant (IVG) Program P-1064)
Merit Recognition Scholarship (MRS) Program (P-1073)
Minority Teachers of Ill. (MTI) Scholarship Program (P-1080)
Paul Douglas Teacher Scholarship Program (P-1089)
Police Officer/Fire Officer Survivor Grant Program (P-1098)
Student to Student (STS) Program of Matching Grants (P-1102)

TRANSPORTATION, DEPARTMENT OF

Construction in Floodways of Rivers, Lakes & Streams (P-607) (E-790)
Driving & Parking (A-736)
Driving of Motor Vehicles (A-740)
Employee Commute Options (P-12613/93; A-540)
Hours of Service of Drivers (A-743)
Inspection, Repair & Maintenance (A-749)
Motor Carrier Safety Regs. (A-754)
Parts & Accessories Necessary for Safe Operation (A-774)
Procedures & Enforcement (A-778)
Qualification of Drivers (A-783)
Relocation Assistance and Payments Program (P-12628/93; A-283)

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF
Notice of Public Meeting of the Illinois Fiduciary Advisory Committee 556
ENVIRONMENTAL PROTECTION AGENCY
Listing of Derived Water Criteria 318

NOTICE OF CORRECTIONS

LIEUTENANT GOVERNOR, OFFICE OF THE
Keep Ill. Beautiful Program; 47 Ill. Adm. Code 600
REVENUE, DEPARTMENT OF
Index of Letter Rulings (Third Quarter 1993) (ROT) 796

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Meeting of January 11, 1994 326

SECOND NOTICES RECEIVED

334, 557, 801, 1658

EXECUTIVE ORDERS AND PROCLAMATIONS

94-1 The Illinois Task Force on School-To-Work Transition 1659
94-2 Executive Order Creating The Illinois Commission on Regulatory Review 1661

PROCLAMATIONS

93-553 Financial Literacy for Youth Month 336
93-554 Religious Freedom Day 559
93-555 Franchising Week 559
93-556 Self-Esteem Month 560
94-1 Black Data Processing Associates Day 802
94-2 Sertoma National Heritage Freedom Week 802
94-3 Alcoholism Halfway House Days 803
94-4 Bangladesh Day 803
94-5 Catholic Schools Week 804
94-6 Land Surveyors' Month 804
94-7 Dr. Martin Luther King Jr. Day/Day of Tribute 804

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 III. Adm. Code 465.05 was proposed last year and adopted this year. The action entry reads: (P-15655/92; A-4520). The codes are listed below.

TYPE OF RULE MAKING		ACTION CODE	
am = amend to existing Section	A = Adopted Rule	PF = Prohibited Filing	
cc = codification changes	E = Emergency	S = Suspension	
n = New section	P = Proposed Rule	O = JCAR Objection	
r = repeal of existing Section	PP = Peremptory	F = Failure to Remedy Objections	
re = recodified	M = Modification	Objection	
# = renumbered	W = Withdrawal	RC = Recommendations	
	CC = Codification Changes	EC = Expedited Correction	
	RQ = Request for Correction	C = Correction	

1994	925.220	r	(P-525)
TITLE 1	925.230	r	(P-525)
230.100	am	(A-1233)	
230.200	am	(A-1233)	
230.300	am	(A-1233)	
230.350	am	(A-1233)	
230.375	am	(A-1233)	
230.400	am	(A-1233)	
230.550	am	(A-1233)	
230.600	am	(A-1233)	
230.700	am	(A-1233)	
230.800	am	(A-1233)	
230.900	am	(A-1233)	
230.1000	am	(A-1233)	
230.EX.A	am	(A-1233)	
230.EX.B	r	(A-1233)	
230.EX.C	am	(A-1233)	
230.Ex.D	am	(A-1233)	
230.Ex.E	am	(A-1233)	
230.Ex.F	am	(A-1233)	
TITLE 2	925.10	r	(P-525)
925.110	am	(P-525)	
925.120	r	(P-525)	
925.210	am	(P-525)	
925.220	r	(P-525)	
925.230	r	(P-525)	
925.250	r	(P-525)	
925.Ap.A	am	(P-525)	
926.10	r	(P-512)	
926.20	#	(P-512)	
926.110	r	(P-512)	
926.120	r	(P-512)	
926.130	r	(P-512)	
926.200	#,am	(P-512)	
926.210	am	(P-512)	
926.220	r	(P-512)	
926.230	am	(P-512)	
926.231	#,am	(P-512)	
926.235	#,am	(P-512)	
926.236	#,am	(P-512)	
926.240	#	(P-512)	
926.250	am	(P-512)	
926.260	am	(P-512)	
926.270	am	(P-512)	
926.280	#	(P-512)	
926.290	#	(P-512)	
TITLE 8	125.270	am	(PP-304)
257.10	n	(P-14288/93; A-205)	

257.20	n	(P-14288/93; A-205)	130.70	am	(A-1126)
257.30	n	(P-14288/93; A-205)	130.100	am	(A-1126)
257.40	n	(P-14288/93; A-205)	710.5	n	(A-1156)
257.50	n	(P-14288/93; A-205)	710.10	am	(A-1156)
257.60	n	(P-14288/93; A-205)	710.20	am	(A-1156)
257.70	n	(P-14288/93; A-205)	710.21	am	(A-1156)
257.80	n	(P-14288/93; A-205)	710.22	am	(A-1156)
257.90	n	(P-14288/93; A-205)	710.25	#,am	(A-1156)
257.100	n	(P-14288/93; A-205)	710.30	am	(A-1156)
			710.50	am	(A-1156)
			710.60	am	(A-1156)
TITLE 11			1010.25	am	(A-1134)
204.10	am	(P-126)	1010.30	am	(A-1134)
204.20	am	(P-126)	1050.25	am	(A-1142)
204.30	am	(P-126)	1050.30	am	(A-1142)
204.40	am	(P-126)	1050.40	am	(A-1142)
204.50	am	(P-126)	1070.80	am	(P-1)
204.60	am	(P-126)	4010.110	n	(P-578)
204.70	am	(P-126)	4010.120	n	(P-578)
204.80	am	(P-126)	4010.130	n	(P-578)
204.90	am	(P-126)	4010.140	n	(P-578)
204.100	am	(P-126)	4010.150	n	(P-578)
204.110	am	(P-126)	4010.160	n	(P-578)
204.120	am	(P-126)	4010.170	n	(P-578)
204.130	am	(P-126)	4010.210	n	(P-578)
206.10	am	(P-112)	4010.220	n	(P-578)
206.20	am	(P-112)	4010.230	n	(P-578)
206.30	am	(P-112)	4010.240	n	(P-578)
207.40	r	(P-124)	4010.250	n	(P-578)
208.10	am	(P-115)	4010.260	n	(P-578)
208.20	am	(P-115)	4010.270	n	(P-578)
208.30	am	(P-115)	4010.280	n	(P-578)
208.40	am	(P-115)	4010.310	n	(P-578)
208.100	am	(P-115)	4010.320	n	(P-578)
208.110	am	(P-115)			
208.120	am	(P-115)			
433.45	am	(P-137)			
TITLE 14			TITLE 23		
545.10	am	(P-839)	1.10	am	(A-1171)
545.30	am	(P-839)	1.20	am	(A-1171)
545.40	am	(P-839)	1.30	am	(A-1171)
545.50	am	(P-839)	1.40	am	(A-1171)
545.60	am	(P-839)	1.50	am	(A-1171)
			1.60	am	(A-1171)
			1.70	am	(A-1171)
			1.80	am	(A-1171)
545.70	am	(P-839)	1.90	n	(A-1171)
			1.100	n	(A-1171)
TITLE 17			1.App.D	n	(A-1171)
130.50	am	(A-1126)	1.App.E	n	(A-1171)

ILLINOIS REGISTER

Volume 18, Issue #5 SECTIONS AFFECTED INDEX February 4, 1994

1.App.F n	(A-1171)	2761.20	am	(P-1073)
1.App.G n	(A-1171)	2761.30	am	(P-1073)
210.10 r	(A-1169)	2762.30	am	(P-1089)
210.100 r	(A-1169)	2762.40	am	(P-1089)
210.110 r	(A-1169)	2763.20	am	(P-1080)
210.120 r	(A-1169)	2763.40	am	(P-1080)
210.130 r	(A-1169)	2763.50	am	(P-1102)
210.140 r	(A-1169)	2770.30	am	(P-1102)
210.150 r	(A-1169)	2771.30	am	(P-1006)
210.200 r	(A-1169)	2771.Ap.A	am	(P-1006)
210.210 r	(A-1169)	TITLE 35		
210.220 r	(A-1169)	106.930	n	(P-959)
245.10 n	(P-10131/93; A-237)	106.931	n	(P-959)
245.20 n	(P-10131/93; A-237)	106.932	n	(P-959)
245.30 n	(P-10131/93; A-237)	106.933	n	(P-959)
245.40 n	(P-10131/93; A-237)	106.934	n	(P-959)
245.50 n	(P-10131/93; A-237)			
245.60 n	(P-10131/93; A-237)	211.270	n	(A-1253)
245.70 n	(P-10131/93; A-237)	211.1070	n	(A-1253)
1501.301 am	(P-569)	211.2030	n	(A-1253)
1501.302 am	(P-569)	211.2610	n	(A-1253)
2700.20 am	(P-1037)	211.3950	n	(A-1253)
2700.30 am	(P-1037)	211.4050	am	(A-1253)
2700.40 am	(P-1037)	211.4830	n	(A-1253)
2700.50 am	(P-1037)	211.4850	n	(A-1253)
2700.60 am	(P-1037)	211.4970	n	(A-1253)
2720.6 am	(P-1013)	211.5390	n	(A-1253)
2720.10 am	(P-1013)	211.5530	n	(A-1253)
2720.20 am	(P-1013)	211.6110	n	(A-1253)
2720.30 am	(P-1013)	211.6170	n	(A-1253)
2720.35 n	(P-1013)	211.6250	n	(A-1253)
2720.40 am	(P-1013)	211.6630	n	(A-1253)
2720.41 am	(P-1013)	211.6650	n	(A-1253)
2720.42 am	(P-1013)	211.6710	n	(A-1253)
2720.50 am	(P-1013)	211.6830	n	(A-1253)
2720.55 am	(P-1013)	211.7050	n	(A-1253)
2720.70 n	(P-1013)	212.113	am	(P-967)
2720.80 am	(P-1013)	212.700	n	(P-967)
2720.90 am	(P-1013)	212.701	n	(P-967)
2730.5 am	(P-1058)	212.702	n	(P-967)
2730.20 am	(P-1058)	212.705	n	(P-967)
2731.10 am	(P-1054)	212.704	n	(P-967)
2731.20 am	(P-1054)	212.705	n	(P-967)
2732.10 am	(P-1098)	184.100	n	(P-4)
2732.20 am	(P-1098)	184.101	n	(P-4)
2733.20 am	(P-1064)	184.102	n	(P-4)
2733.30 am	(P-1064)	184.103	n	(P-4)
2761.10 am	(P-1073)	184.104	n	(P-4)

SAI-3

ILLINOIS REGISTER

Volume 18, Issue #5 SECTIONS AFFECTED INDEX February 4, 1994

184.105	n	(P-4)	739.141	am	(P-455)
184.106	n	(P-4)	739.142	am	(P-455)
184.200	n	(P-4)	739.143	am	(P-455)
184.201	n	(P-4)	739.145	am	(P-455)
184.202	n	(P-4)	739.146	am	(P-455)
184.203	n	(P-4)	739.151	am	(P-455)
184.204	n	(P-4)	739.152	am	(P-455)
184.205	n	(P-4)	739.154	am	(P-455)
184.206	n	(P-4)	739.156	am	(P-455)
184.207	n	(P-4)	739.157	am	(P-455)
184.300	n	(P-4)	739.158	am	(P-455)
184.301	n	(P-4)	739.160	am	(P-455)
184.302	n	(P-4)	739.162	am	(P-455)
184.400	n	(P-4)	739.164	am	(P-455)
184.401	n	(P-4)	739.165	am	(P-455)
184.402	n	(P-4)	739.170	am	(P-455)
184.403	n	(P-4)	739.171	am	(P-455)
184.500	n	(P-4)	739.172	am	(P-455)
184.501	n	(P-4)	739.173	am	(P-455)
184.502	n	(P-4)	739.174	am	(P-455)
184.503	n	(P-4)	810.103	am	(A-1268)
184.504	n	(P-4)	810.104	am	(A-1268)
184.505	n	(P-4)	811.101	am	(A-1308)
184.506	n	(P-4)	811.107	am	(A-1308)
304.213	am	(P-152223/93; A-267)	811.110	am	(A-1308)
702.110	am	(P-406)	811.111	am	(A-1308)
703.Ap.A		(P-419)	811.112	n	(A-1308)
720.110	am	(P-337)	811.302	am	(A-1308)
721.104	am	(P-357)	811.303	am	(A-1308)
721.105	am	(P-357)	811.309	am	(A-1308)
724.101	am	(P-439)	811.310	am	(A-1308)
724.103	am	(P-439)	811.311	am	(A-1308)
724.201	am	(P-439)	811.314	am	(A-1308)
724.652	n	(P-439)	811.318	am	(A-1308)
724.653	n	(P-439)	811.319	am	(A-1308)
725.101	am	(P-377)	811.320	am	(A-1308)
728.102	am	(P-388)	811.323	am	(A-1308)
728.109	am	(P-388)	811.324	n	(A-1308)
728.135	am	(P-388)	811.325	n	(A-1308)
739.100	am	(P-455)	811.326	n	(A-1308)
739.110	am	(P-455)	811.700	am	(A-1308)
739.111	am	(P-455)	811.701	am	(A-1308)
739.112	am	(P-455)	811.702	am	(A-1308)
739.121	am	(P-455)	811.703	am	(A-1308)
739.122	am	(P-455)	811.704	am	(A-1308)
739.123	am	(P-455)	811.705	am	(A-1308)
739.124	am	(P-455)	811.706	am	(A-1308)
739.140	am	(P-455)	811.707	am	(A-1308)

SAI-4

811.708	am	(A-1308)	200.250	r	(P-22)	365.507	n	(E-956)	TITLE 77	250.110	am	(P-46)
811.709	am	(A-1308)	200.260	r	(P-22)	365.508	n	(E-956)	250.120	am	(P-46)	
811.710	am	(A-1308)	200.270	r	(P-22)	365.601	n	(E-956)	250.130	am	(P-46)	
811.711	am	(A-1308)	200.280	r	(P-22)	365.602	n	(E-956)	250.140	am	(P-46)	
811.712	am	(A-1308)	200.290	r	(P-22)	365.603	n	(E-956)	250.150	am	(P-46)	
811.713	am	(A-1308)	200.300	r	(P-22)	365.604	n	(E-956)	250.160	am	(P-46)	
811.714	am	(A-1308)	200.310	r	(P-22)	365.701	n	(E-956)	250.170	am	(P-46)	
811.715	am	(A-1308)	200.320	r	(P-22)	365.702	n	(E-956)	250.180	am	(P-46)	
811.Ap.A	am	(A-1308)	200.330	r	(P-22)				250.190	am	(P-46)	
II.A	am	(A-1308)	200.340	am	(P-22)				250.200	am	(P-46)	
811.Ap.A	am	(A-1308)							250.210	am	(P-46)	
II.C	am	(A-1308)							250.220	am	(P-46)	
811.Ap.D	am	(A-1308)							250.230	am	(P-46)	
II.D	am	(A-1308)							250.240	am	(P-46)	
811.Ap.A	am	(A-1308)							250.250	am	(P-46)	
II.E	am	(A-1308)							250.260	am	(P-46)	
811.Ap.B	am	(A-1308)							250.270	am	(P-46)	
									250.280	am	(P-46)	
									250.290	am	(P-46)	
									250.300	am	(P-46)	
									250.310	am	(P-46)	
									250.320	am	(P-46)	
									250.330	am	(P-46)	
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									250.460	am	(P-46)	
									250.470	am	(P-46)	
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									250.490	am	(P-46)	
									250.500	am	(P-46)	
									250.510	am	(P-46)	
									250.520	am	(P-46)	
									250.530	am	(P-46)	
									250.540	am	(P-46)	
									250.550	am	(P-46)	
									250.560	am	(P-46)	
									250.570	am	(P-46)	
									250.580	am	(P-46)	
									250.590	am	(P-46)	
									250.600	am	(P-46)	
									250.610	am	(P-46)	
									250.620	am	(P-46)	
									250.630	am	(P-46)	
									250.640	am	(P-46)	
									250.650	am	(P-46)	
									250.660	am	(P-46)	
									250.670	am	(P-46)	
									250.680	am	(P-46)	
									250.690	am	(P-46)	
									250.700	am	(P-46)	
									250.710	am	(P-46)	
									250.720	am	(P-46)	
									250.730	am	(P-46)	
									250.740	am	(P-46)	
									250.750	am	(P-46)	
									250.760	am	(P-46)	
									250.770	am	(P-46)	
									250.780	am	(P-46)	
									250.790	am	(P-46)	
									250.800	am	(P-46)	
									250.810	am	(P-46)	
									250.820	am	(P-46)	
									250.830	am	(P-46)	
									250.840	am	(P-46)	
									250.850	am	(P-46)	
									250.860	am	(P-46)	
									250.870	am	(P-46)	
									250.880	am	(P-46)	
									250.890	am	(P-46)	
									250.900	am	(P-46)	
									250.910	am	(P-46)	
									250.920	am	(P-46)	
									250.930	am	(P-46)	
									250.940	am	(P-46)	
									250.950	am	(P-46)	
									250.960	am	(P-46)	
									250.970	am	(P-46)	
									250.980	am	(P-46)	
									250.990	am	(P-46)	
									250.100	am	(P-46)	
									250.110	am	(P-46)	
									250.120	am	(P-46)	
									250.130	am	(P-46)	
									250.140	am	(P-46)	
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									250.160	am	(P-46)	
									250.170	am	(P-46)	
									250.180	am	(P-46)	
									250.190	am	(P-46)	
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									250.210	am	(P-46)	
									250.220	am	(P-46)	
									250.230	am	(P-46)	
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									250.570	am	(P-46)	
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									250.670	am	(P-46)	
									250.680	am	(P-46)	
									250.690	am	(P-46)	
									250.700	am	(P-46)	
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									250.720	am	(P-46)	
									250.730	am	(P-46)	
									250.740	am	(P-46)	
									250.750	am	(P-46)	
									250.760	am	(P-46)	
									250.770	am	(P-46)	
									250.780	am	(P-46)	
									250.790	am	(P-46)	
									250.800	am	(P-46)	
									250.810	am	(P-46)	
									250.820	am	(P-46)	
									250.830	am	(P-46)	
									250.840	am	(P-46)	
									250.850	am	(P-46)	
									250.860	am	(P-46)	
									250.870	am	(P-46)	
									250.880	am	(P-46)	
									250.890	am	(P-46)	
									250.900	am	(P-46)	

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

Volume 18, Issue # 5

February 4, 1994

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

Volume 18, Issue # 5

February 4, 1994

TITLE 92		
518.20	am	(P-12628/93; A-283)
518.750	am	(P-12628/93; A-283)
600.10	n	(P-12613/93; A-540)
600.20	n	(P-12613/93; A-540)
600.30	n	(P-12613/93; A-540)
600.40	n	(P-12613/93; A-540)
600.50	n	(P-12613/93; A-540)
600.60	n	(P-12613/93; A-540)
600.70	n	(P-12613/93; A-540)
600.80	n	(P-12613/93; A-540)
600.90	n	(P-12613/93; A-540)
600.100	n	(P-12613/93; A-540)
600.110	n	(P-12613/93; A-540)
600.120	n	(P-12613/93; A-540)
600.130	n	(P-12613/93; A-540)
1030.96	n	(P-993)
1030.97	n	(A-993)
1060.5	am	(P-142)
1060.10	am	(P-142)
1060.20	am	(P-142)
1060.30	am	(P-142)
1060.40	am	(P-142)
1060.50	am	(P-142)
1060.60	am	(P-142)
1060.70	am	(P-142)
1060.80	am	(P-142)
1060.90	am	(P-142)
1060.100	am	(P-142)
1060.110	am	(P-142)
1060.120	am	(P-142)
1060.130	am	(P-142)
1060.140	am	(P-142)
1060.150	am	(P-142)
1060.160	am	(P-142)
1060.170	am	(P-142)
1060.180	am	(P-142)
1060.190	am	(P-142)
1060.200	am	(P-142)

505.370	am	(P-946)
505.420	r	(P-946)
505.430	am	(P-946)
505.450	r	(P-946)
505.470	am	(P-946)
505.500	am	(P-946)
505.1020	r	(P-946)
505.1080	r	(P-946)
505.2010	n	(P-946)
505.2070	n	(P-946)
505.2110	n	(P-946)
505.2140	n	(P-946)
505.4090	r	(P-946)
505.4390	am	(P-946)
735.100	am	(P-927)
735.130	am	(P-927)

TITLE 86

130.901	am	(A-1537)
130.905	am	(A-1537)
150.1001	am	(A-1584)
150.1415	am	(A-1584)
700.100	n	(A-1561)
700.110	n	(A-1561)
700.200	n	(A-1561)
700.210	n	(A-1561)
700.220	n	(A-1561)
700.230	n	(A-1561)
700.300	n	(A-1561)
700.310	n	(A-1561)
700.320	n	(A-1561)
700.330	n	(A-1561)
700.340	n	(A-1561)
700.400	n	(A-1561)
700.500	n	(A-1561)

TITLE 89

102.200	am	(P-15461/93; A-273)
102.210	am	(P-15461/93; A-273)
102.220	am	(P-15461/93; A-273)
102.230	am	(P-15461/93; A-273)
102.235	n	(P-15461/93; A-273)
102.240	am	(P-15461/93; A-273)
102.250	am	(P-15461/93; A-273)
160.60	am	(P-497)

TITLE 80

310.290	am	(A-1107)
310.450	am	(A-1107)
310.455	am	(A-1107)
310.495	am	(P-13657/93; A-227)
310.530	am	(A-1107)
310.540	am	(A-1107)
310. Ap. C	am	(A-1107)
310. Ap. D	am	(A-1107)
310. Ap. G	n, am	(P-13657/93; A-227; A-1107)

TITLE 83

280.50	am	(P-918)
280.130	am	(P-918)
415.10	am	(P-937)
415.20	am	(P-937)
415.210	am	(P-937)
415.250	am	(P-937)
415.270	r	(P-937)
415.280	r	(P-937)
415.420	r	(P-937)
415.430	am	(P-937)
415.450	r	(P-937)
415.1020	r	(P-937)
415.1080	r	(P-937)
415.2010	n	(P-937)
415.2070	n	(P-937)
415.2110	n	(P-937)
415.2140	n	(P-937)
415.4390	am	(P-937)
505.10	am	(P-946)
505.20	am	(P-946)
505.210	am	(P-946)
505.250	am	(P-946)
505.270	r	(P-946)
505.280	r	(P-946)
505.330	am	(P-946)

SAL-7

SAL-8

